

***European Foreign Policy
towards the Arab-Israeli Conflict since 1993.
An Analysis of European Foreign Policy Tools***

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*To Grandpa John and Grandma Nat,
to Mom and Dad,
and to Christian
for giving me the opportunity to be an eternal student*

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List of Abbreviations

ACP	African, Caribbean and Pacific countries of the Lomé/Cotonou system
ACRS	Working Group on Arms Control and Regional Security
AHLC	Ad Hoc Liaison Committee for the coordination of international assistance to the Palestinians
AIDCO	EuropeAid Cooperation Office
ALA	Asia and Latin America
ASEAN	Association of South East Asian Nations
CCP	Common Commercial Policy
CFSP	Common Foreign and Security Policy
CIS	Commonwealth of Independent States
CIVCOM	Committee for Civilian Aspects of Crisis Management
COREPER	Committee of Permanent Representatives
COREU	Correspondance Européenne
CSCE	Conference for Security and Cooperation in Europe
DCI	Development Cooperation Instrument
DG	Directorate-General
DG DEV	DG Development
DG E	Directorate-General E of the General Secretariat of the Council
DG ELARG	DG Enlargement
DG RELEX	DG External Relations and European Neighborhood Policy
DOP	Declaration of Principles
EAD	Euro-Arab Dialogue
EC	European Community
ECHO	European Community Humanitarian Office
ECJ	European Court of Justice
ECOFIN	Economic and Financial Affairs
ECSC	European Coal and Steel Community
ECU	European Currency Unit
EDC	European Defense Community
EDF	European Development Fund
EEC	European Economic Community
EIB	European Investment Bank
EIDHR	European Instrument for Democracy and Human Rights

EMP	Euro-Mediterranean Partnership
ENP	European Neighborhood Policy
ENPI	European Neighborhood and Partnership Instrument
EP	European Parliament
EPC	European Political Cooperation
ESDP	European Security and Defense Policy
ESS	European Security Strategy
EU	European Union
EU EOM	European Union Election Observation Mission
EUMC	European Union Military Committee
EUMM	European Union Monitoring Mission
EUMS	European Union Military Staff
Euratom	European Atomic Energy Community
EUSR	European Union Special Representative
GAC	General Affairs Council
GAERC	General Affairs and External Relations Council
GCC	Gulf Cooperation Council
GSP	Generalized System of Trade Preferences
IEA	International Energy Agency
IfS	Instrument for Stability
IGC	Intergovernmental Conference
IIA	Interinstitutional Agreement
IMF	International Monetary Fund
INSC	Instrument for Nuclear Safety Cooperation
JHA	Justice and Home Affairs
MEDA	Mesures d'Accompagnement
Mercosur	Common Market South America
MFO	Multinational Force and Observers
MU	Mediterranean Union
NATO	North Atlantic Treaty Organization
NGO	non-governmental organization
OECD	Organization of Economic Cooperation and Development
OLAF	European Anti-Fraud Office
OSCE	Organization for Security and Cooperation in Europe

PA	Palestinian Authority
PCA	Partnership and Cooperation Agreement
PCP	Palestinian Civil Police
PLC	Palestinian Legislative Council
PLO	Palestinian Liberation Organization
PPEWU	Policy Planning and Early Warning Unit
PSC	Political and Security Committee
QMV	qualified majority voting
REDWG	Regional Economic Development Working Group
RRF	Rapid Reaction Force
RRM	Rapid Reaction Mechanism
SAA	Stabilization and Association Agreement
SCR	Common Service for External Relations
SEA	Single European Act
SG/HR	Secretary General/High Representative for the CFSP
TCA	Trade and Cooperation Agreement
TEC	Treaty establishing the European Community
TEU	Treaty establishing the European Union
TEU-A	Treaty establishing the European Union in Amsterdam
TEU-M	Treaty establishing the European Union in Maastricht
TEU-N	Treaty establishing the European Union in Nice
TIM	Temporary International Mechanism
U.S.	United States of America
UN	United Nations Organization
UNCCP	United Nations Conciliation Commission for Palestine
UNISPAL	United Nations Information System on the Question of Palestine
UNRWA	United Nations Relief and Works Agency for Palestinian Refugees
UNSCO	Office for the Special Coordinator of the Middle East Peace Process
USSR	Union of Socialist Soviet Republics
WMD	weapons of mass destruction

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I. INTRODUCTION

‘European’ foreign policy has advanced to a stage in its evolution that would have been unthinkable at the outset of western European integration in the early 1950s. Under the U.S. security umbrella solidified with the creation of NATO, integration began as a way to secure peaceful relations between the states of Western Europe, to reconstruct the war-torn western European economies and societies, and to strengthen and unite Europe so that it would be capable of playing an important role in the post-World War II world. The first step toward integration began with the creation of the European Coal and Steel Community in 1952, a development that was significant in the sense that certain western European governments (France, the Federal Republic of Germany, Belgium, Italy, Luxembourg, and the Netherlands) abdicated significant powers to a supra-national institution for the first time, indicating that integration in general was a feasible objective. After accruing “limited” success in economic integration within the ECSC (MCCORMICK, 2002, p. 66), the early years of European integration were characterized by the failure of two ambitious proposals aimed at advancing political integration: the European Defense Community and the European Political Community. The EDC’s defeat at the hands of the French Parliament in 1954, also resulting in the planned political Community’s demise, was a major setback for the project of western European integration and “ensured that the traditional subject matter of International Relations – foreign and security policy and defence – were excluded from the formal policy agenda of the European Community” (BRETHERTON & VOGLER, 2006, p. 3).

As it became apparent that the western European states were not willing to proceed with political integration, gradual economic integration through “the development of common institutions, the progressive fusion of national economies, [and] the creation of a common market” was instead pursued (RESOLUTION, 1955). This pursuit reached its pinnacle in March 1957 with the signing of two treaties creating the European Atomic Energy Community and the European Economic Community, both of which came into force in January 1958. The EEC treaty committed the member states to establishing a common market and made no mention of foreign or security policy. Despite this lack of focus on external policies, the first phase of European foreign policy is considered to have begun with the establishment of the EC, especially since the EC increasingly used its economic and diplomatic instruments within the framework of its foreign

economic policy to project its foreign commercial and political interests abroad (GINSBERG & SMITH, 2007, p. 9).

By the beginning of the 1970s, the economic weight of the EC had increased considerably, and the gap between the EC's economic power and limited political influence with respect to foreign policy became evident. Whereas the EC was regarded as an economic force to be reckoned with, the lack of coordination mechanisms with respect to foreign policy increasingly restrained its ability to adequately address its external interests and to act as a political power in the international arena. In order to balance the economic power of the EC and to give it a voice in world politics, the member states established an intergovernmental forum for foreign policy coordination, European Political Cooperation, in October 1970. In this second evolutionary phase of European foreign policy, EPC remained strictly separate from the EC. Although the EC member states relied on supranational institutions within the EC, they were reluctant to abdicate core national competences to these, and so EPC remained purely intergovernmental, meaning that policy formation took place outside the Community framework and the member states had complete control over foreign policy decision-making within the Council of Ministers. The creation of EPC thus solidified the separate development of and institutional division between Europe's external activities: the development of foreign economic policy within a supranational institutional setting on the one hand and, on the other hand, the pursuit of foreign policy in an intergovernmental forum.

As the practical development of foreign policy within EPC started to frequently impinge upon the EC, synergy between EPC and the EC gradually developed to the extent that EPC began to use Community instruments for foreign policy purposes. After over a decade of arrangements accommodating the Commission in these types of situations, the member states agreed to fully associate this supranational actor with EPC in the London Report of October 1981. In 1987, EPC was formally linked to the EC Treaty framework by giving it a treaty base in Article 30 of the Single European Act: The SEA directed the Commission and the Presidency to jointly ensure EC/EPC consistency, signaling that the EPC and EC "should not be distinguished from each other" in the realm of external relations. The SEA also codified established procedures as well as the use of policy tools such as regional political dialogue and joint actions, which in turn increased the involvement of EC actors in foreign policy (M.E. SMITH, 2004, pp. 153-154). Yet, despite these advances the formal institutional separation between EPC and the EC was maintained.

Because of its unbinding nature and loose institutional setup, EPC lacked the legal and institutional basis to coordinate foreign policy interests effectively. The upheavals in the international system at the end of the 1980s showcased these shortcomings, and in 1990 an Intergovernmental Conference on Political Union was established and tasked with transforming EPC into a foreign policy system capable of meeting post-Cold War challenges. The outcome of this IGC in Maastricht was the Treaty on the European Union, which was signed in 1991 and came into effect in 1993. With the establishment of the Common Foreign and Security Policy in the TEU in Maastricht (Title V) – the first time that the goal of a common foreign policy was declared in a treaty by the member states – as the second pillar of the new three-pillar EU, EPC was officially integrated into the EC, moving the evolution of European foreign policy to its third phase (GINSBERG & SMITH, 2007, p. 9). The establishment of the CFSP, however, did not introduce any particularly new innovations; it merely expanded the current intergovernmental consultation and coordination. The CFSP and the EC therefore remained institutionally distinct, and the foreign and security policy cooperation within the CFSP framework remained strictly intergovernmental. In this sense, CFSP can be regarded as a “cautious continuation” of EPC (BURKHARD, 2001, p. 42). It did include, however, in contrast to EPC, “all areas of foreign and security policy” as well as the prospect of defense coordination (TEU-M Art. J.1(1)). Foreign policy moved closer to the EC within the new CFSP framework, as the Commission was now allowed to propose actions, and some procedural and instrumental improvements (QMV, common positions, joint actions) were also introduced.

Despite these modest ‘improvements’, the first foreign policy actions of the CFSP were not as unified, coherent, or efficient as the member states had hoped. The general feeling was that the EU was not yet matching its economic weight with political clout and that its response to the international crises of the early 1990s was less than admirable. This third phase of European foreign policy is thus characterized by reforms, both formal and informal, aimed at giving the EU a ‘single voice’ in crisis situations (GINSBERG & SMITH, 2007, p. 9). The most substantial revision of the CFSP provisions occurred at the IGC in Amsterdam in 1996, resulting in the Amsterdam Treaty (signed in 1997, in force since 1999). The most significant institutional innovation of the TEU-A was the creation of the post of the High Representative for the CFSP to enhance the EU’s international representation and provide continuity in foreign policy. In an attempt to expand the EU’s scope of action, the Petersberg tasks (humanitarian and rescue

tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking) were integrated into the treaty in Article J.7 (2), making crisis management a “central concern” of European foreign policy (SCHRÖDER, 2006, p. 134).

Its dismal response to the crises in the Balkans in the 1990s and lack of military instruments to support policy aims contributed to pressures to develop the EU’s defense dimension. The inclusion of the Petersberg tasks in the TEU thus gave the EU a contractual basis for the creation of a European Security and Defense Policy, a task that the EU aggressively pursued after a joint British-French declaration in December 1998 in St. Malo called for the establishment of autonomous political and military capabilities for the EU. Soon after, at the European Council summit in Cologne in June 1999, the ESDP was launched to strengthen the CFSP by making it capable of independent action in international crises through the establishment of credible military capabilities (EUROPEAN COUNCIL, 1999b). In order to fulfill this vision, the European Council formulated target goals for the establishment of military and civilian crisis management capabilities: the Helsinki Headline Goal in December 1999 and the target goals set in Feira in June 2000 (see II.2.3.6). New institutional structures, such as a Political and Security Committee, a Military Committee, a Military Staff, and a Committee for Civilian Aspects of Crisis Management, were also created in December 2000 within the Council framework to provide guidance and strategic direction to ESDP operations. The use of ESDP to strengthen CFSP through the deployment of autonomous military and civilian forces for peacekeeping and security operations defines the fourth and current phase of European foreign policy. Moreover, the EU’s newfound ability to act with both civilian and military instruments “is what most distinguishes EU foreign policy in the early 21st century from its late 20th century origins” (GINSBERG & SMITH, 2007, p. 21).

This evolution, however, has not commenced without influence from other actors. As the “most ‘significant other’” in European integration, the U.S. has played a large role in the development of European foreign policy (or even sometimes the lack thereof) (SMITH & STEFFENSON, 2005, p. 343). On a positive note, U.S. demands that Europe assume its share of responsibility in its neighborhood after the end of the East-West conflict prompted the development of the CFSP and ESDP; however, to a certain degree the U.S. dictated its preferences to the EC member states, who in turn largely complied. On the other hand, the prevalence of the U.S. role in Europe’s security still strongly influences the degree of European autonomy in foreign policy. This dependen-

cy has translated into a high sensitivity to U.S. pressure, resulting in the fact that CFSP and ESDP – and thus European foreign policy in general – are “severely constrained by the dominance if not hegemony of the ‘only superpower’ when the questions are those of crisis and conflict” (SMITH & STEFFENSON, 2005, p. 350).

Also restraining the EU’s ability to pursue a common foreign policy is the fact that its genuine foreign policy competences are still in the hands of its 27 member states, each of which is an autonomous and distinct foreign policy actor in its own right. While attempting to increase the EU’s ability to speak with one voice, the member states have been simultaneously very careful not to relinquish important powers and sovereignty in the making and implementation of CFSP, thus maintaining its intergovernmental nature and solidifying the institutional separation between the political and economic aspects of European foreign policy. Moreover, the divergent interests and priorities of the member states have time and again prevented the EU from being able to pursue a common foreign policy and remain a factor in obstructing the formulation of this, because, as M.E. SMITH (2005) notes, “with every policy decision the EU must constantly balance the competing incentives for cooperation among its members states with their inherent desire to act unilaterally in world affairs” (p. 154). As a result, the lofty ambition of a common European foreign policy able to articulate the various aspects of EU external relations in a manner commensurate with its international presence is not reflected in reality. The EU’s foreign policy performance has therefore not lived up to its high expectations, a situation also reflected in the various attempts to reform the foreign policy framework, for example in Amsterdam in 1996, Nice in 2000, at the EU Constitutional Convention in 2003, and most recently in Lisbon in 2007. After the institutional impasse experienced as a result of the failed ratification of the Constitutional Treaty, the Lisbon Treaty can be seen as a step forward; however, institutional innovations foreseen by the Constitutional Treaty, such as the post of the EU Foreign Minister who would replace the High Representative for the CFSP and the External Relations Commissioner in a double-hatted function, have been terminologically downgraded due to member state reservations, in this case to the High Representative of the EU for foreign affairs because of British opposition (TREATY OF LISBON, 2007). These reform attempts, therefore, also highlight the unrelenting evolutionary nature of European foreign policy, the strong member state influence on the future direction of this policy, and the fact that the EU is not yet a fully developed actor, especially in the realm of foreign policy.

Despite these limits to the pursuit of a common foreign policy, the evolution of European foreign policy has created a complex and institutionally fragmented, yet functionally unified policy framework. The member states have periodically been able to agree on common policies and have mobilized national and collective resources to pursue these. The increased coordination between the institutions, policies, and instruments of the EC and the broader foreign policy goals of the CFSP has thus created a cross-pillar policy environment, in which all of the pillars and the member states coordinate policies to achieve the EU's overriding foreign policy objectives. This type of coordination provides the EU with a unique array of policy instruments and tools – from economic to military – for the implementation of policies and the pursuit of foreign policy goals, allowing it to act more or less coherently in world politics and making it a unique and “new type of global player” (MÜLLER-BRANDECK-BOCQUET, 2006, p. 19) with “unique and unparalleled foreign policy strengths” (ROSECRANCE, 1998, p. 15). What are then the policy tools available to the EU that make it a unique foreign policy actor and how are these utilized to pursue the EU's foreign policy priorities and objectives? In answering this question this study of European foreign policy aims to explore how the EU executes key foreign policy decisions through the use of its wide spectrum of policy tools. It specifically analyzes the tools utilized in the implementation of policy towards an issue of declared foreign policy priority, the Arab-Israeli conflict. The focus of the analysis of the European foreign policy toolbox thus falls upon how the tools utilized in pursuit of policy in the region have (or have not) contributed to achieving the EU's proclaimed policy objectives vis-à-vis this particular conflict.

The resolution of the Arab-Israel conflict has been a long-standing policy priority of the EU and its member states. It was on the agenda of the first EPC meeting in Munich in 1970 and has remained an issue ever since. Over the years, the member states have repeatedly expressed their wish to play a significant role in the search for a peaceful solution to the conflict. In addition to its geographical proximity to the EU, Europe's interest in this region is based on a variety of factors, economic and political alike. The member states seek to secure energy resources at a reasonable price, to ensure political stability, to avoid a spillover of the conflict and increased migration to Europe, and to create a market for European products (HAAS, 1997; PERTHES, 1997). The general consensus among the member states is that the stability and security of their and the EU's long-standing political, historical, cultural, and economic ties to the states of the Middle East are of utmost importance to Europe's own security and stability. Conse-

quently, the EU's wish to contribute to a peaceful solution to the Arab-Israeli conflict stems from the desire to quell the threats to its vital interests in the region. As an economic and regional power, the EU perceives itself as having a humanitarian and political responsibility that obligates it to a sustained effort to support peace and prosperity in the region. Even as early as the CFSP's inception, the EU had labeled the support of peace, stability and prosperity as well as democracy and human rights in the Middle East as fundamental interests (see COUNCIL, 1992), giving the EU ample basis for pursuing policy and a political role in the region. Consequently, the European Commission and the European Council have formally specified the Middle East and the Mediterranean region as a "key external relations priority" (EUROPEAN COMMISSION, 2004a) and the resolution of the Arab-Israeli conflict as a "strategic priority" (EUROPEAN COUNCIL, 2003, p. 8). The characterization of the region as a foreign policy priority is also a recurrent theme in key Commission documents (such as communications to the Council and the Parliament) and in the agendas of the EU presidencies (DIETL, 2005, p. 102).

Aside from its economic and political interests, Europe also carries a historical responsibility for the region's current problems. European colonialism, the two world wars and their consequences for the regional power constellation, the Holocaust, the establishment of the State of Israel, and European participation in Cold War politics have all had a lasting influence on the politics of the Middle East (SCHÄFER, 2004, p. 46). The British and French struggle to expand their influence in the region resulted in the arbitrary creation of states and boundaries. Great Britain is largely held responsible for the establishment of the State of Israel in 1948, having expressed its support for a Jewish homeland in Palestine as early as 1917 in the Balfour Declaration. Hitler Germany's destruction of European Jewry during World War II led many Jews to search for a new home in Palestine and has strongly influenced post-war Germany's position towards Israel and the Middle East, a position most visible in its continued moral commitment to Judaism and the State of Israel. Both France and Germany provided weapons to Israel in the 1950s – albeit for different reasons – which were subsequently used against the Arab states in the various conflicts and crises that have plagued the region. Member states' priorities today reflect these influences: France has preserved its post-colonial ties to Lebanon, Syria, and Algeria; Great Britain has a distinctive affinity towards Jordan and Palestine; and Germany maintains a special relationship with Israel. Thus, the EU member states' various historical ties with the region have prompted them

to pursue policy interests in the Middle East, both individually and within the European framework.

The oil crisis of 1973 and the European dependency on ‘Arab’ oil forced the member states to unite their various policies in an attempt to formulate a common European position towards the Arab-Israeli conflict.¹ The success of being able to overcome their divergent positions prompted the member states to continue their efforts of foreign policy coordination and cooperation towards the conflict, efforts which culminated in the wish to play a substantial role in any peace settlement. Despite their attempts to assume a larger role in the search for a solution to the conflict during the 1970s, the Europeans were not able to break free from their marginal role in the region due to the dominant role of the U.S. in peace negotiations. Nevertheless, they attempted to pursue a coordinated policy through EPC and afforded much effort in formulating a position different than that of the U.S. Although they aimed to actively contribute to the search for a solution to the conflict, they frequently failed in doing so. This was mostly due to the fact that the available policy instruments and tools within the EPC framework allowed only for limited engagement in the region (BIPPES, 1997).

The member states’ decision to strengthen European foreign policy cooperation in Maastricht in 1991 and the subsequent establishment of CFSP gave the Europeans reason to assume that their marginal role on the world stage in general and in the Middle East in particular could be expanded. This decision came in a year in which the regional constellation in the Middle East had drastically changed. U.S. President George H.W. Bush’s decision to organize a peace conference in Madrid gave the EU hope that it could finally play a more active role in world politics and obtain a mediating position between the feuding parties in the Arab-Israeli conflict. Despite only being accorded the status of an observer in the Madrid Peace Process, the following years, especially within the framework of the Oslo Peace Process, were characterized by the growing significance of the EU and an increasing EU role in the Middle East – developments that coincided in large part with the gradual expansion of its foreign policy competences and the utilization of new policy tools.

European foreign policy towards the Arab-Israeli conflict, therefore, presents a unique case with which one can understand the workings of this unparalleled actor. Because this conflict has been an issue for the EU member states since the beginning of foreign

¹ The oil question no longer has the same impact on the definition of European policy as it did in the 1970s and 1980s; however, the EU – still very dependent on Middle Eastern oil – cannot ignore the importance of the region as a source of oil (DIECKHOFF, 2002, p. 149).

policy consultations and cooperation, one can follow the entire foreign policy development of the EU when analyzing its policy *vis-à-vis* the Arab-Israeli conflict. One can see how European foreign policy evolved and how this perhaps changed the way the EU and the member states dealt with this conflict. The most interesting aspect of European engagement in the Middle East with respect to the Arab-Israeli conflict is the fact that the establishment of new institutions and foreign policy tools was also accompanied by an expanding role for the EU in the region. Thus, this study examines the tools utilized by the EU to advance its policy towards the Arab-Israeli conflict since the Maastricht Treaty came into force in 1993 until June 2007, when the inter-Palestinian crisis changed the structure of the Israeli-Palestinian conflict.

The marginal influence of the EU in the Arab-Israeli conflict and the peace process illustrated above has often been at the center of literature on the EU's engagement in this region. Many contributions highlight the failures of European policy towards the conflict, characterizing the EU's approach to facilitating peace as misguided or completely incorrect (KLINKENBERG, 2002; AOUN, 2003). Other scholars give the EU's role in the region more credit and see the once marginal role expanding from a purely economic role to a more political one, especially in light of the EU's participation in the Middle East Quartet (PETERS, 2000; SOETENDORP, 2002; SCHÄFER, 2004; KAIM, 2004). There are, according to JANNSEN (2005), however, really "no comprehensive accounts of European policy in the Middle East after 1991" (p. 41). Nonetheless, a number of newer scholarly contributions examining the role of the EU in the Arab-Israeli conflict and the peace process do attempt to shed light on the European strategy in the region. BIPPES (1997), for instance, focuses on the development of a common policy within the EC and EPC toward the Middle East since the end of the Second World War until 1996. DOSENRODE & STUBKJÆR (2002) extend their analysis of the EU's engagement in the Middle East from the establishment of the EC to 2001 to include the Persian Gulf, whereby the analysis of the EU's role since the end of the Second Gulf War is somewhat meager and focuses predominantly on the Euro-Mediterranean Partnership. Another work examining the EU's role in the Middle East peace process is from KLINKENBERG (2002); however, this analysis concentrates on the EU's position towards the issues in the conflict, i.e. the status of Jerusalem, Israeli settlement policies, Palestinian refugees, water, etc. GINSBERG (2001), on the other hand, attempts to evaluate the EU's political influence on Israel, the Palestinians, and the peace process and concludes that although the EU does wield a certain amount of

political influence in the region it has more influence over the Palestinians than the Israelis and therefore limited influence on the peace process overall.

As this study will demonstrate in later chapters, one cannot analyze European foreign policy without taking member state foreign policy into account. The above contributions concentrate explicitly on engagement stemming from the EU-level of the European foreign policy system and rarely mention the role of member state foreign policy in the formulation 'European foreign policy'. Because the general focus of much of the scholarly literature on the EU's role in the Middle East is on policy emanating from the CFSP, the role of member state foreign policy towards the conflict – aside from remarks about the French influence – tends to be neglected. ALLEN & PIJPERS (1984) first compiled a collection of essays, in which policy towards the Arab-Israeli conflict was analyzed through both the national and the European perspective. The contributions on national policy towards the conflict focus on "the extent to which their country's national policy had become 'Europeanised'" since the establishment of EPC (ALLEN & PIJPERS, 1984, p. xi). GLÖCKLER-FUCHS (1997) picks up on this and examines the role and positions of the member states in European Middle East policy in the 1970s and 1980s in order to show how these have changed over the years and have led to the gradual institutionalization of European foreign policy.

There are various sources that reconstruct individual member states' foreign policy towards the Arab-Israeli conflict in the 1990s. With a view towards the most important member state influences in European policy towards the conflict, literature dealing with French, British and German Middle East policy is of interest. The contributions of WEINGARDT (2002), JAEGER (1997), and PERTHES (2001) provide comprehensive analyses of the German case. Locating similar reflections on British and French policy towards the Arab-Israeli conflict has proven more difficult, but the work of HUBEL (1985), WOOD (1998), and HERSCHO (2005; 2006; 2008) on the French case as well as HOLLIS (2004), RYNHOLD (2005;2006), and RYNHOLD & SPYER (2007) on British policy provide important resources for the reconstruction these member states' policies. Although these contributions shed light on the general direction of policy since the 1990s, the focus has not explicitly concentrated on the role these policies play in the overall system of European foreign policy.

The scholarly literature highlighted above offers a fairly comprehensive view of European policy towards the conflict from the beginning of EPC through the first few years of the 21st century; however, it does not review the general instruments and tools

utilized by the EU to pursue policy or the newest tools available to the EU through the ESDP framework. Generally, the focus is on the discrepancy between the EU's political and economic role, underlining that the EU is more of a 'payer' than a 'player' in the region (ASSEBURG, 2001; KAIM, 2004). Some analyses do focus exclusively on some of the tools the EU has implemented in pursuit of its policy objectives with regard to the Arab-Israeli conflict: ASSEBURG (2001; 2003a, b), for instance, systematically analyzes the various dimensions of European activities by focusing on aspects such as the EU's financial role, its role in supporting Palestinian state-building activities, and its attempts at regional stabilization. On the other hand, DIETL (2005) focuses exclusively on the role of the EU's Special Representative to the Middle East Peace Process. In addition, TOCCI (2005b) assesses the role declarations have played in EU policy as well as the EU's contractual relations with Israel and the Palestinians (TOCCI, 2007). Despite these examples, a comprehensive, systematic focus on the policy tools utilized in European policy towards the Arab-Israeli conflict has been neglected. The following study thus aims to fill this gap in research.²

In order to examine the use of European policy tools in the pursuit of policy towards the Arab-Israeli conflict since 1993, this study will begin with an analysis of European foreign policy and its tools. Foreign policy is understood throughout this study as "the capacity to make and implement policies abroad which promote the domestic values, interests and policies of the actor in question" (H. SMITH, 2002, pp. 7-8). Foreign policy can entail economic measures; however, it is primarily directed towards political or security issues in contrast to foreign economic policy, which pursues economic objectives through economic measures. The distinction between foreign policy and foreign economic policy is important for an analysis of the complex system of 'European' foreign policy: Foreign policy is not only pursued within the CFSP framework, but also within the EC, both of which are influenced by and concomitantly impact member state policy. Thus, in order to analyze European foreign policy, one must first understand the concept of European foreign policy. WHITE (1999) suggests utilizing an analytical approach derived from Foreign Policy Analysis, which he claims "provides a coherent research agenda which promises to throw further light upon European foreign policy" (p. 46). He begins by identifying six questions as a starting point for a framework of analysis:

² Due to the sensitive nature of Middle East policy issues in the EU, the empirical analysis provided in this study rests largely on original document research and evidence from published sources such as historical accounts, case studies, journal contributions, and news sources.

- 1) Who makes European foreign policy?
- 2) What is the nature of the European foreign policy process?
- 3) What issues constitute the European foreign policy agenda?
- 4) What instruments are deployed by European foreign policy?
- 5) What is the context within which policy is made?
- 6) What are the outputs generated by the policy process? (p. 46)

This study therefore utilizes these questions in its analysis of European policy towards the Arab-Israeli conflict. It begins by conceptualizing 'European' foreign policy and illuminating the different components of this policy. It then turns to an analysis of this unique and complex policy actor by employing some of the questions above. At this juncture, a brief discussion of the various approaches explaining the foreign policy processes of the EU follows, from which neo-functionalism and intergovernmentalism, the most important theoretical approaches to analyzing policy emanating from the EU, emerge to provide the theoretical foundation for the further analysis of 'European' foreign policy. After this theoretical overview, the European foreign policy-making process is examined in order to determine the nature of 'European' foreign policy. This analysis is concluded with an examination of European foreign policy tools emanating from this unique system of foreign policy and their scope of action. In this context the main characteristics of these tools and how they are utilized in the midst of European foreign policy in general are highlighted, providing a point of comparison for the manner in which these tools are used with respect to policy vis-à-vis the Arab-Israeli conflict as examined in chapter 5 of this study.

For a better understanding of 'European' foreign policy towards this conflict, Chapter 3 highlights the regional context within which European policy towards the conflict is made. The Arab-Israeli conflict is as complex as the EU as a foreign policy actor, if not more so; thus, a brief overview of the evolution of the conflict helps to identify the actors with whom the EU must interact in attempting to expand its influence and towards whom the EU must direct its policy tools. European involvement in the conflict, however, has not overshadowed the role of other external actors in the region, and, as previously stressed, Europe has remained largely at the sidelines. An examination of external involvement in the Middle East thus puts European involvement in the region into perspective. The marginal role ascribed to the EU is also largely attributed to the positions of the main actors in the conflict; therefore, these positions are presented in order to prepare for the analysis of European policy towards the conflict. Thus, Chapter 3 explains – using exogenous factors – Europe's role (or lack thereof) in certain phases of the conflict and peace negotiations.

Chapter 4 continues with an analysis of the development of European policy towards the Arab-Israeli conflict. In order to better understand the direction of European policy towards the conflict since 1993, the beginning stages of ‘European’ policy within the EPC framework are examined. Because the development of a common European Middle East policy has been largely characterized by the convergence of the member states’ divergent positions towards the Middle East and the Arab-Israeli conflict, this chapter begins by displaying the diverging policies and positions existent at the beginning of foreign policy coordination before proceeding with an analysis of the development of a common ‘European’ policy position within EPC. The focus here is, however, solely on the policy positions and priorities of France, Germany, and Great Britain, because these are the only member states that had autonomous policy positions towards the region at the beginning of the 1970s and European foreign policy cooperation. The subsequent examination of the path towards a common policy focuses on the significant developments in this evolution and the influences facilitating policy convergence. Europe’s frustration with its marginal role is highlighted as well as its attempts to become more involved in the search for a solution to the conflict.

European hopes for and efforts towards an enhanced political role *vis-à-vis* the Arab-Israeli conflict increased with the establishment of the CFSP and its coming into force; thus, this year marks the starting point for the analysis of European policy since 1993. In examining this period of policy, the EU’s role throughout the various phases of the conflict (i.e. the peace process, its breakdown, the Second Intifada, unilateral Israeli withdrawal, the election of Hamas, the conflict in Gaza and Lebanon, etc.) is highlighted, ending with the inter-Palestinian crisis of June 2007, in which control over the occupied territories was split between the Hamas in the Gaza Strip and President Abbas and Fatah in the West Bank. Throughout this study the expansion of the EU’s role from a marginal actor to a more important player in the region is accentuated, especially since this evolution progressed hand in hand with the expansion of the EU’s foreign policy ‘toolbox’. The analysis of European policy towards the Arab-Israeli conflict since 1993 concludes with a brief overview of member state policy (i.e. French, British, and German) during this time period, because although a relatively common European position has developed, as will be demonstrated in the second half of Chapter 3, member states positions (particularly the stances of these three member states) have remained prominent, and national policy, especially towards the Arab-Israeli conflict, exists at times largely in tandem with ‘European’ policy.

After examining the EU's expanding role towards the conflict, the study turns to its focus: the policy tools largely responsible for the increased European role in the region and in the search for a solution to the conflict. This examination of European foreign policy tools stems from the analysis of European foreign policy in Chapter 2 and focuses on the main economic and political foreign policy tools, including the new tools available through the ESDP, utilized in the pursuit of the EU's policy objectives in the Middle East and vis-à-vis the Arab-Israeli conflict. In this analysis the following aspects are thus considered: the policy goals the EU pursues with its respective tools, how these tools came into being, what these tools entail, and how these tools have (or have not) assisted the EU in achieving its objectives in the region. The questions to be answered here then become the following: Are European foreign policy tools being utilized to their fullest potential with respect to the Arab-Israeli conflict and do these tools as utilized deliver the desired outcomes European foreign policy aims to induce?

II. 'EUROPEAN' FOREIGN POLICY

In his much-cited article, “‘Who speaks for Europe?’ The search for an effective and coherent external policy”, ALLEN (1998) touches on the problem of European foreign policy and concludes that it is in, what he terms, “conceptual no man’s land” (p. 43). When analyzing or thinking about European foreign policy, he claims that there are many definitional uncertainties concerning terms such as ‘state’ and ‘foreign policy’, as states are normally assumed to be the makers of foreign policy, and the influence of international organizations (such as the EU) and other non-state actors in the international system is not generally depicted as foreign policy per se. He proceeds by contending that this conceptual obscurity surrounding European foreign policy exists, because the EU is “state-like”, yet not a state, and because it does possibly have a “foreign policy”, but certainly no “monopoly on foreign policy-making in Europe” (p. 43).

Indeed, “it is because foreign policy is widely associated with nation-states that the EU is overlooked as an international political actor by many who study international relations” (GINSBERG, 2001, p. 12). As a unique, hybrid, *sui generis*, and “strange sort of international actor” (ZIELONKA, 1998a, p. 1), the EU “defies categorization”, and the examination of the EU as a foreign policy actor has proven to be a major challenge for IR scholars (MARSH & MACKENSTEIN, 2005, p. xvii). Because of the multidimensionality³ inherent in EU external actions and activities, the EU has often been characterized as an actor with a “clearly fragmented or – in a positive sense – with a multi-faceted profile” (MÜLLER-BRANDECK-BOCQUET, 2002, p. 10): Foreign policy is made in both the first (EC) and the second pillars (CFSP/ESDP) of the EU, each having its own respective actors, decision-making structures, and instruments. Due to this complex institutional separation of Community and member state foreign policy competence in EU foreign policy-making, EU foreign policy is, therefore, neither completely made by the member states nor by the EU within the EC framework (MONAR, 1999, p. 66).

Complicating matters is the fact that, although the EU is not a state, its foreign policy is at times similar to that of a state. In fact, “the EU engages in a full range of foreign policy activities that cannot be easily distinguished from similar state behaviors” (GINSBERG & SMITH, 2007, p. 11). Like any state, the EU reacts to endogenous

³ On the multidimensionality of European foreign policy see MÜLLER-BRANDECK-BOCQUET, 2000.

needs as well as exogenous demands and attempts to assert its interests (freedom, welfare, security, peace, and human rights) in its external environment just as a state would, even if its interests and values are not as homogenous as those of a state. Because of the heterogeneous interests of the EU member states, the EU pursues or acts on selected interests and, as a consequence, presents itself to the world not as a unified actor but instead as a fragmented actor. Thus, depending on the issue at hand, the EU acts either "like a state with legal personality or a community of states concerned about the coherence of national foreign policies" (SCHUBERT, 2000, p. 18).

Hence, "[a]ttempts to explain and predict [the EU's] behaviour as an international actor must take into account this hybrid character, as well as the evolving nature of the Union enterprise" (RHODES, 1998, p. 1-2). The following sections of this study are therefore devoted to understanding and analyzing 'European' foreign policy. After introducing the various conceptualizations of European foreign policy utilized in recent scholarly literature, the conceptual underpinnings guiding this study will be clarified and defined. An analysis of European foreign policy-making and European foreign policy tools follows, in which the foreign policy-making processes of this unique actor are examined in order to determining the nature of European foreign policy.

1. Conceptualizing 'European' Foreign Policy

Despite Allen's reservations about the conceptual and definitional uncertainties laden with the term 'European' foreign policy, researchers have not been deterred from attempting to conceptualize and analyze 'European' foreign policy. In fact, numerous studies conceptualizing 'European' foreign policy have been published, and it is worthy to note that, because of the conceptual obscurity surrounding 'European' foreign policy, not all of these scholarly contributions "are talking about similar phenomena when discussing European foreign policy and its attendant aspects" (CARLSNAES, 2004, p. 496). Some studies aim to analyze the outcomes of the foreign policy-making process at the EU or European level; others examine the policy process itself. Another clear differentiation, discussed by both TONRA (2000) and CARLSNAES (2004) in their respective surveys of European foreign policy analysis, is between studies that view European foreign policy as *sui generis* and those that treat European foreign policy as something emanating within an entity comparable to that of a nation-state. Furthermore, one can also distinguish between studies that either focus on the CFSP or those that use a more holistic approach, including, for instance, the foreign policy-making

competences of the first and third pillars (EC and JHA, respectively) in their analyses. Alas, such differences in definition warrant a brief overview of the various conceptualizations of 'European' foreign policy present in recent scholarly literature as well as the definition of European foreign policy utilized in this study.

1.1 'European' Foreign Policy

In contrast to Allen's difficulty locating European foreign policy, some works find the question of how to define 'European' foreign policy rather unproblematic. H. SMITH (2002) argues in her empirically-based analysis of EU foreign policy output in specific geo-issue areas that the foreign policy of the EU is "much the same as that of the nation-state" (p. 7) and has no qualms about the fact that "it can be analyzed in pretty much the same way as [...] that of any nation-state" (p. 1). Her broad definition of foreign policy as "the capacity to make and implement policies abroad which promote the domestic values, interests and policies of the actor in question" serves as justification for the existence of an EU foreign policy, which she stresses does not only emanate within CFSP, but within the EC as well (p. 7-8). Similarly, K. SMITH (2003) expands on this conceptualization in her empirical and evaluative examination of specific EU foreign policy objectives. In doing so, she explicitly contends that EU foreign policy "is *not* just the product of the CFSP pillar" and includes the EC and the JHA pillar as well as their respective inputs into foreign policy-making in the scope of her investigation (K. SMITH, 2003, p. 2, emphasis in original).

In contrast, GINSBERG (2001) warns of the dangers of equating European foreign policy with the foreign policy of a single state. He asserts that "comparing and assessing [European foreign policy] as if the EU were a state is a slippery slope" (p. 12), because the EU is "neither a state nor a political union of states" (p. 9). Therefore, he maintains that HILL's (1993) notion of the EU as an 'external relations system' "offers a useful and neutral characterization of European foreign policy" (GINSBERG, 1999, p. 439). Viewing European foreign policy as an 'external relations system' à la HILL (1993) in which member states conduct three sets of parallel activities (partly common, partly separate national policies; foreign policy coordination within the EPC/CFSP framework; and collective commercial and development policies within the EC framework) thus "breaks free of normative debates over whether the EU can have a foreign policy and over whether neofunctionalism or intergovernmentalism is the most appropriate framework of analysis" (GINSBERG, 1999, p. 439; see also GINSBERG, 2001,

p. 32). GINSBERG (1999) himself characterizes the EU as having moved beyond a “modest external relations system” to a “more ambitious ‘foreign policy system’” (p. 439). In his 2001 examination of the external political effects and international impact of European foreign policy, he conceptualizes European foreign policy, which he defines as the “universe of concrete civilian action, policies, positions, relations, commitments and choices of the EC (and EU) in international politics” (GINSBERG, 2001, p. 3), as a ‘foreign policy system’ comprised of all three pillars as well as the foreign policies of the member states.⁴ Conceptualizing European foreign policy as a system, according to GINSBERG (2001), “does justice” (p. 32) to the distinct and parallel, but increasingly intermeshed sets of EU external activity. In a more recent scholarly contribution, GINSBERG & SMITH (2007) assert that the term ‘European foreign policy’ “denotes all of the global behaviors of the EU”, meaning the foreign economic policy and diplomacy of the EC, the CFSP and ESDP, as well as police cooperation and anti-crime/anti-terror activities in the realm of JHA (p. 3).

In a similar manner, WHITE also departs from state-centric analyses of foreign policy in his 1999 article “The European Challenge to Foreign Policy Analysis” as well as in his 2001 book *Understanding European Foreign Policy*. In these he discusses the various definitions of European foreign policy at length and comes to the conclusion that defining European foreign policy as simply ‘member states’ foreign policy,’ or as ‘EU foreign policy,’ or as ‘EC foreign policy’ does not capture the complex and fragmented nature of policy at the European level. He stresses that if European foreign policy “is to be useful for analytical purposes, the concept has to encompass the fragmented nature of agency at the European level and the variety of forms of action” (WHITE, 2001, p. 39). Defining European foreign policy state-centrally as “the sum of member states’ foreign policies” (WHITE, 1999, p. 43), in WHITE’s opinion, does not take the EU-level of policy-making into account. Structural-institutional perspectives, on the other hand, define European foreign policy at “the level of European institutions themselves”, which, as WHITE purports, downgrades the foreign policies of the member states (WHITE, 1999, p. 44). In essence, he concludes that ‘member states’ foreign policy’, ‘EU foreign policy’, and ‘EC foreign policy’ form a collective European foreign policy, which he also refers to, similar to HILL (1998a) and GINSBERG (1999; 2001), as a “foreign policy system” (WHITE, 1999, p. 46; see also WHITE, 2001, pp. 40-41).

⁴ GINSBERG’s (1999; 2001) concept of a foreign policy system is based largely on HILL’s (1998a) foreign policy system.

WHITE (1999) justifies this collective label by highlighting three points that illustrate the development of European foreign policy since Maastricht. According to WHITE (1999), the common institutional framework that is jointly responsible for the decisions within all three pillars validates the use of a collective label to describe the foreign policy processes in the EU. Moreover, the increased influence of the Commission on external policies as well as the cross-pillar implementation of policy tools obscures the institutional boundaries between the three forms of European foreign policy. His final justification for using the collective label of European foreign policy is the erosion of the boundaries between the integrationist and intergovernmental elements of policy (WHITE, 1999, p. 45). Thus, as the three forms or types of European foreign policy become increasingly interwoven over time, the resulting extensive interrelationships between these forms justifies the use of the label 'European foreign policy' (WHITE, 2001, p. 39).

The European foreign policy system therefore, according to WHITE (1999, p. 46-47), consists of Community foreign policy (emanating within the EC), Union foreign policy (emanating within the CFSP), and national (or member state) foreign policy. Regarding the latter subsystem of European foreign policy, he stresses that a two-way relationship between member state foreign policies and EC/EU policy exists, through which the cooperation in the EC/EU 'Europeanizes'⁵ member state policies, on the one hand, and through which national foreign policies shape European foreign policy, on the other hand (see also WHITE, 2004, pp. 15-16). This two-way relationship as well as the blurring of institutional lines in European foreign policy results from the fact that the constituent elements of the three forms of European foreign policy "are interrelated and constitute a foreign policy system in action" (WHITE, 1999, 46).

Departing from the conceptualization of European foreign policy as a system with specific components, M.E. SMITH (2004) focuses solely on foreign policy cooperation in the second pillar and "examines EPC/CFSP largely in terms of its inherent nature as an example of institutionalized multilateral cooperation among sovereign, independent states" (p. 9). In his volume *Europe's Foreign and Security Policy*, M.E. SMITH (2004) uses the terms 'EU foreign policy', 'European foreign policy', and 'foreign and security policy cooperation' interchangeably and defines European foreign policy as

"cooperative actions [...] (1) undertaken on behalf of all EU states toward non-members, international bodies, or global events or issues; (2) oriented toward a specific goal; (3) made operational with physical activity, such as financing or diploma-

⁵ For more on the Europeanization of member state foreign policy see II.1.2.3 of this study.

cy; and (4) undertaken in the context of EPC/CFSP discussions (although the EC can also be involved)" (p. 18).

He proceeds in explaining the institutionalization of such cooperation by examining what he sees as a reciprocal relationship between institutional-building and cooperation. His study's main aim is to essentially explain how institutional changes affect the propensity for cooperation and to link the institutionalization of CFSP to the expansion of member state foreign policy cooperation.

The "most encompassing" conceptual definition of European foreign policy can be found in KRAHMANN's 2003 examination of *Multilevel Networks in European Foreign Policy* (CARLSNAES, 2004, p. 500). In her study, KRAHMANN (2003) contends that "European foreign policy cannot be fully understood without consideration of Europe's relations with the United States and other international organizations engaged in Europe", to which she includes NATO, the OSCE, and the UN (p. 1). By supporting this understanding of European foreign policy, she rejects the typical understanding of the EU as a foreign policy system envisioned by HILL (1998a), and proceeds to propose an alternate description of European foreign policy due to the fact that key decisions in European foreign policy are taken not only by the EU alone or the member states, but also "by a broad range of national and multinational institutions, including the United Nations and NATO" (p. 3). KRAHMANN's (2003) definition of European foreign policy thus "pertains to the decisions and actions of core European states and their multilateral organizations which are primarily concerned with the welfare of the region" (p. 3).

This array of conceptualizations regarding European foreign policy, thus, removes the concept from Allen's 'no-man's land' and places it in the general scholarly debate on the EU's external activities. In dealing with foreign policy issues in an EU context, the search for an adequate framework of analysis is incumbent upon a solid concept of the actors and processes in policy-making. That being said, it is imperative that any concept of the "complex, institutionally fragmented, yet functionally unified policy framework" of European foreign policy encompass, in the spirit of White, the fragmented nature of as well as the linkages in European foreign policy, especially because "a complex system which is characterized by multiple linkages between the pillars" looms behind the institutionalized, separated pillar system of the EU (STETTER, 2004, p. 733). Furthermore, applying Ginsberg's approach, complete comprehension of the European foreign policy system necessitates "an understanding of the interplay between national actors [...] and European actors and 'Europeanized' institutional norms and practices" (GINSBERG, 1999, p. 432; 2001, p. 22).

1.2 The European Foreign Policy System

A reflection of the various conceptualizations of 'European' foreign policy outlined above leads to the conclusion that, in general, 'European' foreign policy is regarded as something associated with or originating from the EU. Furthermore, it is also clear that focusing exclusively on the traditional means of foreign policy-making in the EU, i.e. foreign policy emanating within the CFSP, is not sufficient to adequately examine the complex system surrounding 'European' foreign policy, because all components of the EU's pillar structure partake in external actions and activities to some extent. Yet, focusing on these sources of foreign policy is also not enough. According to HILL & SMITH (2005), "the Pillars as they currently exist are not an accurate representation of what may be termed the 'European foreign policy system', not least because they have no place for national policies" (p. 6). In fact, European foreign policy output is "the result of often complex interactions in a multi-level system, *involving the member states singly and collectively*, as well as the common institutions" (HILL & SMITH, 2005, p. 6, emphasis added).

That being said, the conceptualization of European foreign policy utilized in this study is based heavily on the understanding of European foreign policy as an *evolving foreign policy system in action*. The components of this system are, as illustrated in Figure 1 (see p. 22), Community foreign policy, Union foreign policy within the framework of CFSP and ESDP, and member state foreign policy.⁶ Despite this fairly neat and clear-cut picture of the European foreign policy system, the actual activities of European foreign policy do not fit into distinctly separate compartments (or pillars). In fact, "[t]he whole field of cooperation with third countries beyond purely economic purposes provides a vast field for possible intersections" between the subsystems of European foreign policy (WEIDEL, 2002, p. 27). Despite the fact that each subsystem produces its own distinct policies according to its own procedural rules (as illustrated by the vertical arrows arising from the respective subsystem in Figure 1 below), the formal institutional separation between the pillars enshrined in the TEU is increasingly permeated or blurred (as depicted by the perforated line separating the forms of foreign policy at the EU-institutional level in Figure 1 below), as the links between foreign policy and foreign

⁶ Because the external activities of the third pillar are not pertinent for the study of European policy towards the Arab-Israeli conflict, these will be excluded from this particular analysis. Nevertheless, depending on the issue at hand, the inclusion of the third pillar in the conceptualization of European foreign policy is becoming increasingly relevant. For more on the external activities of JHA see MONAR, 2004.

economic policy become increasingly intertwined in this interdependent, interconnected world. In such a complex political environment, this link between 'high' and 'low' politics becomes progressively more difficult to ignore, especially due to the increasing significance of economic instruments and of 'soft' power in international relations.

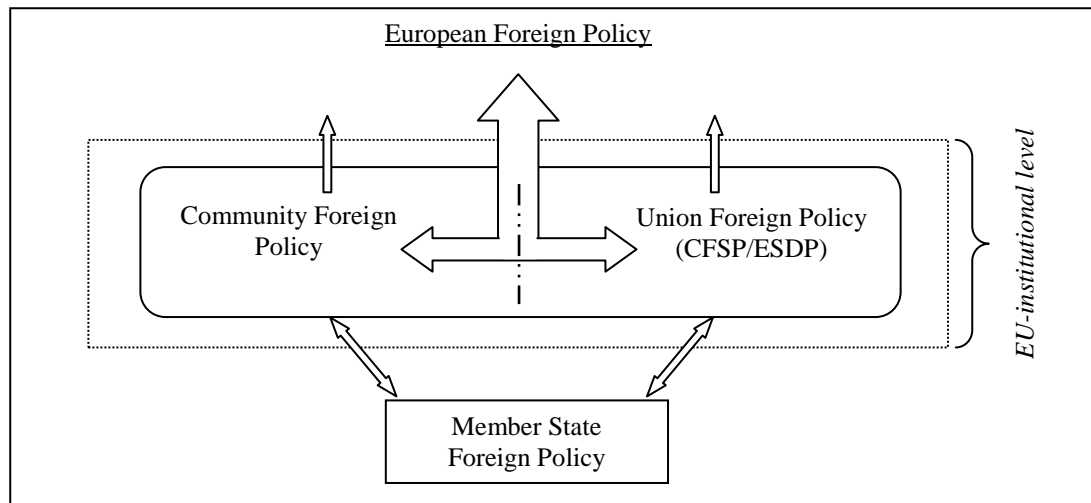


Figure 1 The European Foreign Policy System (Source: author's depiction).

This near inseparability of economic and political aspects in international relations has resulted in increased interaction between the pillars to coordinate their respective activities and instruments in pursuit of the EU's overriding foreign policy objectives. Consequently, the artificial separation of foreign policy between the pillars of the EU has over time been gradually replaced by a cross-pillar politics setting as external relations issues now, in light of the increased fusion of foreign policy and foreign economic policy, "frequently require responses that are drawn across, rather than within, the pillars" (MARSH & MACKENSTEIN, 2005, p. 55). Figure 1 above takes this aspect of European foreign policy into account through the horizontal double-headed arrow penetrating the perforated boundary between Community and Union foreign policy. The vertical arrow originating in this double-headed horizontal arrow depicts the resulting output of the cross-pillar policies emanating from the European foreign policy system. Exactly this "prospect of these first and second pillar policies being drawn together towards the outward projection of the Union's interests is one of the factors giving rise to the prospect of a *[European] foreign policy*", which can be defined as "the totality of the EU's external relations, combining political, economic, humanitarian and [...] also military instruments at the disposal of the Union" (TONRA & CHRISTIANSEN, 2004, p. 2, emphasis added).

As underlined by HILL & SMITH (2005), European foreign policy is not possible without the participation and cooperation of the EU member states. As an integral component of the European foreign policy system, they influence the orientation and formulation of European foreign policy by the projection of their respective interests and objectives to the EU-institutional level of policy-making, and member state policies are increasingly affected by the cooperation and processes at the EU-institutional level, to which they adapt through changes in their own respective policies. This influence of and in European foreign policy is illustrated in Figure 1 (see p. 22) by the two double-headed arrows between member state foreign policy and the subsystems of European foreign policy located at the EU-institutional level.

The complexness of the European foreign policy system with all its divisions, competences, and interactions illustrated above necessitates a closer look at the individual subsystems of European foreign policy. A key factor in understanding these systems is the entrenched division between external economic policy and 'political' foreign policy in the foreign policy system. First and foremost in the progression of European foreign policy was and is the reluctance of the member states to abdicate foreign policy competences to supranational institutions. This has led them to keep 'high politics' separate from 'low politics' and to base any cooperation on issues of 'high politics' on intergovernmental procedures and practices in contrast to the supranational cooperation on 'low politics'. The different competences and roles of the subsystems of European foreign policy resulting from this artificial and arbitrary division are thus highlighted below.

1.2.1 Community Foreign Policy

The Treaty establishing the European Community (TEC) in Rome in 1958 entrusted the EC with responsibilities and limited competence in the sphere of external economic relations. This stemmed from the member states' desire to create a common internal market, which necessitated the creation of a customs union and a common *external* frontier for trade. It was clear from the beginning that the member states were reluctant to give the Community any competence over foreign, security, and defense policy. Such an action would have infringed upon and compromised member state sovereignty. Thus, they conceded the less politically sensitive area of external economic relations to the Community. Consequently, the EC was accorded responsibility in the fields of external activity associated with economic policies. The establishment of a common mar-

ket and common policies within the EC framework, hence, "inevitably determined the basic structure of the EC's international relations" (EDWARDS, 2005, p. 50) by making external economic relations and external economic policies "the core of EU 'foreign policy'" (M. SMITH, 1998, p. 78). Undeniably, the most important instrument of European foreign policy was (before the establishment of the CFSP) and still is the EC's ability to wield economic power.

With respect to Community foreign policy, the most important TEC provisions in the Rome Treaty relevant to foreign (economic) policy are the Common Commercial Policy, association policy (i.e. the power to conclude association agreements with third countries or groups of states), and the possibility of cooperation with other international organizations such as the UN, the Council of Europe, and the OECD. The CCP (Art. 131-134 TEC) forms the basis of EU external relations, because it provides the foundation for the negotiation and conclusion of trade and economic cooperation agreements (Art. 133 TEC). Especially in the realm of trade policy, decisions are often made not only for economic reasons; more often than not these decisions are of political nature (for example, the implementation of economic sanctions). According to GRILLER & WEIDEL (2002), "[t]rade measures have become a central means to put political pressure on other states and thus constitute important elements of *foreign policy*" (p. 11, emphasis added).

The ability to enter into association agreements with third countries has "formed the basis for the construction of a vast network of differentiated and multi-faceted agreements between the EC and countries and regional organizations in all parts of the world" (BRETHERTON & VOGLER, 2006, p. 4). With respect to association policy, the EC even is accorded "some aspects of a politically driven external policy" (FORSTER & WALLACE, 2000, p. 463). Association is the closest form of relationship with the EC; hence, the decision to conclude an association agreement with a third party is largely political and signals a privileged partnership. Articles 182 to 188 TEC provide the legal basis for the association of the overseas countries and territories "which have special relations with Denmark, France, the Netherlands and the United Kingdom" (Art. 182 TEC). Through association the EC aims "to promote the economic and social development of the countries and territories and to establish close economic relations between them and the Community as a whole" (Art. 182 TEC). These countries and territories have a privileged status in which the member states are instructed to accord these associated countries and territories "the same treatment as they accord each

other” (Art. 183 (1) TEC). Countries and territories not in a special relationship with an EC member state as delineated by Article 182 TEC are accorded association through Article 310 TEC. Such associations involve “reciprocal rights and obligations, common action and special procedure” (Art. 310 TEC). On this basis, the EU can conclude association agreements with third countries or international organizations which generally address the development of political, trade, social, cultural, and security links between the EU and its respective partner(s).

In addition to the CCP and association policy, development cooperation is anchored within the realm of Community foreign policy. The Treaty of Rome originally did not contain any specific legal basis for development cooperation or cooperation with other third countries. The provisions on development cooperation (Art. 177-181 TEC) were first introduced to the EC with the adoption of the TEU in Maastricht in 1991. Unlike the CCP, development cooperation is not a common policy; instead, it is an “area of parallel competence in that EC and member state activities run alongside one another” (MARSH & MACKENSTEIN, 2005, p. 59). As such, the TEC characterizes Community policy in the sphere of development cooperation as “complementary to the policies pursued by the Member States” (Art. 177 (1) TEC), and the EC and the member states agreed in Article 180 TEC to coordinate their policies and to consult each other on their aid programs with the prospect of joint action. In particular, member states’ bilateral policies may not “contradict or adversely affect cooperation measures that have been adopted by the competent Community institutions” (MARTENCZUK, 2002, p. 414). Moreover, their development cooperation competences are limited to their respective bilateral cooperation policies, and they are not permitted to act jointly outside of the Community framework. To this point MARTENCZUK (2002) remarks, “[c]oordinated action at the European level must [...] take place exclusively through the appropriate Community mechanisms, or, where the action in question does not fall under Community competence, through CFSP” (pp. 414-415).

The objectives of development cooperation policy within the Community framework are enshrined in Article 177 (1) TEC: the sustainable economic and social development of and fighting poverty in developing countries as well as their integration into the world economy. Cooperation in these terms often involves financial and technical assistance; however, it is not limited to these aspects. The Community’s cooperation policy extends beyond questions of poverty and economic as well as social development to include questions relating to the political systems of developing countries. Consequent-

ly, this policy field exemplarily “demonstrates [...] the political inclination” of Community external actions, insofar as that “the EC is explicitly called upon to pursue ‘political goals’” in its development policy (GRILLER & WEIDEL, 2002, p. 11). To this extent, Article 177 (2) TEC stipulates that “Community policy [...] shall contribute to the general objective of developing and consolidating democracy and the rule of law, and to that of respecting human rights and fundamental freedoms”.

Cooperation with non-developing third countries was not addressed in the TEC until the Nice Treaty introduced a new legal basis for such cooperation measures. Until the Nice Treaty (adopted December 2000, signed February 2001) entered force in 2003, cooperation with countries that did not fall under other areas of Community policy had to be based on Article 308 TEC, which stipulates that the Council must decide on such action by unanimity. The Nice Treaty introduced Title XXI, “Economic, Financial and Technical Cooperation with Third Countries”, to provide a new legal basis for cooperation measures with third countries not falling under the provisions of development cooperation. Article 181a (2) TEC specifies that the Council may now act upon QMV to adopt measures within the realm of economic, financial, and technical cooperation with non-developing third countries (QMV is also used in development cooperation); furthermore, these measures must complement the measures carried out by the member states (Art. 181a (1) TEC). As such, economic, financial, and technical cooperation with third countries, like development cooperation, is not an exclusive competence of Community foreign policy. Similar to in the realm of development cooperation, Title XXI covers all questions relevant to relations with third countries, including democracy, the rule of law, and the respect for fundamental rights (Art. 181a(1)TEC).

As demonstrated by the preceding observations on Community foreign policy, it has become evident that “Community cooperation policy covers potentially all countries of the world, and pervades [...] all areas of cooperation with third countries, including economic, social, and political aspects” (MARTENCZUK, 2002, p. 415). Despite being an area of shared competence (between the EC and the member states), Community cooperation policy can “be regarded as a component of Community foreign policy” (MARTENCZUK, 2002, p. 415), because the measures of this policy are at the same time political instruments used to achieve political objectives. As such, the measures of Community cooperation policy with developing and non-developing third countries “inevitably have political implications” (GRILLER & WEIDEL, 2002, p. 12).

1.2.2 Union Foreign Policy

The introduction of the pillar system in Maastricht “consolidated the separation between external economic relations and foreign policy” (BRETHERTON & VOGLER, 2006, p. 186). Consequently, Union foreign policy (in the form of the CFSP/EDSP) deals exclusively with the ‘high politics’ realm of traditional international relations, and as such it must be a central feature of any analysis of the fragmented profile of European foreign policy (MÜLLER-BRANDECK-BOCQUET, 2000, p. 30). Because the member states were unwilling to abdicate their key foreign policy competences to supranational institutions (as in external economic relations), these competences remain within member state sovereignty, highlighting the CFSP/EDSP’s intergovernmental character as a “highly institutionalized and complex process of consultation and cooperation between Member State governments” (BRETHERTON & VOGLER, 1999, p. 169; 2006, p. 163). As such, the activities of the CFSP/EDSP are “thus determined by the interests of the member states. The EU is thereby only a – albeit an increasingly important – framework” for intergovernmental foreign policy cooperation (PFETSCH, 2005, p. 247). Because the CFSP is not an exclusive competence of the EU, the member states also retain sovereignty in the conduct of their respective foreign and security policy; nevertheless, they have committed themselves to “refrain from any action contrary to the interests of the Union or likely to impair the EU’s effectiveness as a cohesive force in international relations” (Art. 11 (2) TEU).

Within this intergovernmental framework, the member states have agreed to work towards “a common foreign and security policy covering all areas of foreign and security policy” (Art. 11 (1) TEU) as well as “the progressive framing of a common defence policy, which might lead to a common defence” (Art. 17 (1) TEU), thus providing Union foreign policy with “a quasi-unlimited scope” (WEIDEL, 2002, p. 50). With respect to the overall strategic direction of CFSP, the TEU dictates extraordinarily broad and simultaneously rather vague objectives⁷ in Article 11 (1):

- “to safeguard the common values, fundamental interests, independence and integrity of the Union in conformity with the principles of the United Nations Charter,
- to strengthen the security of the Union in all ways,
- to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter, as well as the principles of the Helsinki

⁷ These objectives are pursued by the systematic cooperation between the member states and through the implementation of CFSP/EDSP instruments and policy tools (see II.2.4.2.2). The systematic cooperation, a throwback to the EPC intergovernmental cooperation, entails “means of concerted and convergent action” such as purely member state policy measures that are similar in content, a combination of member state and Union foreign policy measures, or purely Union policy measures (Art. 16 TEU).

Final Act and the objectives of the Paris Charter, including those on external borders,

- to promote international cooperation,
- to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms.”

Due to the broad, overarching nature of these objectives, thematic overlaps with Community foreign policy are inevitable.⁸ Examples of such overlaps are numerous: For instance, both Community foreign policy (within the framework of development cooperation) and Union foreign policy aim to promote the consolidation of democracy, rule of law, and the respect of fundamental rights; the mutual goal of promoting international cooperation also “is characterized by a vast potential for intersection with virtually all external Community activities, ranging from purely commercial relations to all other kinds of cooperation” (WEIDEL, 2002, p. 50). In contrast, the dualism inherent in European foreign policy may pose potential limits to the scope of Union foreign policy, because it is not clear whether or not the Union may act in areas which generally fall within Community competence (i.e. economic aspects of foreign policy) (LUKAS-CHEK, 2002, pp. 340-341).

Despite the fact that the objectives above have been actively pursued in the course of the EU's external activities within the CFSP framework, they did not provide the EU with the desired strategic direction vital for proactive foreign policy-making. Thus, attempts to specify and prioritize CFSP/ESDP actions and expand the Union's scope of external action have been ongoing. Even before the Treaty of Maastricht went into force in 1993, the foreign ministers submitted a report to the Lisbon European Council in June 1992 on the development of the CFSP (subsequently adopted by the European Council), in which they further specified foreign policy objectives to be

- “strengthening democratic principles and institutions and respect for human and minority rights;
- promoting regional political stability and contributing to the creation of political and/or economic frameworks that encourage regional cooperation or moves towards regional or sub-regional integration;
- contributing to the prevention and settlement of conflicts;
- contributing to a more effective international coordination in dealing with emergency situations;
- strengthening international cooperation in issues of international interest such as the fight against arms proliferation, terrorism and traffic in illicit drugs;
- promoting and supporting good government” (COUNCIL, 1992, pp. 31-32).

⁸ For a thorough account of the overlaps between Community and Union Foreign Policy see BARATTA, 2002, pp. 51-75.

In addition to these objectives for joint actions, the Council identified the following priority areas for CFSP action: Central and Eastern Europe, Russia and the former Soviet republics, former Yugoslavia and the Balkans, and the Maghreb and the Middle East (COUNCIL, 1992, pp. 34-40). Despite the clarification of CFSP objectives and priorities, "the absence of an overarching strategy ensured that, as in the past, CFSP remained largely reactive to external events" (BRETHERTON & VOGLER, 2006, p. 168).

The inclusion of the Petersberg tasks in the Amsterdam Treaty (signed in 1997, in force since 1999) expanded the CFSP's scope of action to "humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking" (Art. 17 (2) TEU). Accepting these tasks symbolized "the recognition of the EU's willingness to engage militarily when necessary, but fulfilment of these tasks was handicapped by the outdated structures and poor capabilities of the defence forces in most member states" (CAMERON, 2007, p. 74). By the end of the 1990s, the Balkan wars had underlined the weaknesses and the reactive nature of the CFSP, and, in an attempt to better and more effectively achieve the CFSP's lofty objectives, the member states agreed at the Cologne European Council in June 1999 "to give the European Union the necessary means and capabilities to assume its responsibilities regarding a common European policy on security and defence" and "the ability to take decisions on the full range of conflict prevention and crisis management tasks defined in the Treaty on European Union, the 'Petersberg tasks'" (EUROPEAN COUNCIL, 1999b). The member states stressed that the EU must develop the capacity for autonomous action, including credible military forces as well as capabilities and instruments in the field of conflict prevention and crisis management. It was, thus, at this meeting that the ESDP was created to strengthen the CFSP.

Over four years later, in December 2003, a strategy for this new component of the CFSP was finally outlined. The European Security Strategy specifies that in order "to defend its security and promote its values", the EU must pursue the following "strategic objectives" (EUROPEAN COUNCIL, 2003, p. 6):

- *Address the key threats facing Europe.* The ESS identifies the key threats as terrorism, the proliferation of WMD, regional conflicts, state failure, and organized crime. In addressing these persistent threats, the ESS stresses that the EU needs "both to think globally and to act locally", that "distant threats may be as much a concern as those that are near at hand" (p. 6), and that "[w]ith the new threats, the first line of defence will often be abroad" (p. 7). Consequently, the EU must prioritize conflict and threat prevention, be ready to act before a crisis occurs, and utilize a combination

of instruments (not just military, but primarily economic and diplomatic instruments) to address these threats.

- *Build security in the EU's neighborhood.* In tackling this objective, the EU must be directly involved in its neighboring regions ranging from the Balkans along the EU's eastern and southeastern borders to the Mediterranean.
- *Develop an international order based on effective multilateralism.* The ESS underlines that the security and prosperity of Europe depends "on an effective multilateral system" (p. 9) and "a world of well-governed democratic states" (p. 10). In order to strengthen the international order, the EU must utilize the "best means" to do so by "spreading good governance, supporting social and political reform, dealing with corruption and abuse of power, establishing the rule of law and protecting human rights" (p. 10).

The ESS also extends the CFSP/ESDP's scope of action beyond the Petersberg tasks to include "joint disarmament operations, support for third countries in combating terrorism and security sector reform" (p. 12). The pursuit of such missions was subsequently underscored by the European Council in June 2004 in the adoption of the Headline Goal 2010, which calls for the EU "to be able by 2010 to respond with *rapid and decisive action* applying a fully coherent approach to the whole spectrum of crisis management operations covered by the Treaty on the European Union" (EUROPEAN COUNCIL, 2004a, p. 1, emphasis added). The Headline Goal 2010 specifically stresses that the EU "must be able to act before a crisis occurs" and that the EU should engage in preventive measures (p. 1). The EU's scope of action was further expanded in the Civilian Headline Goal 2008, endorsed by the Brussels European Council in December 2004, to include, in addition to the Petersberg tasks and those specified by the ESS and the Headline Goal 2010, post-conflict stabilization by contributing "to activities such as security sector reform and support[ing] disarmament, demobilisation/reintegration processes" (EUROPEAN COUNCIL, 2004b, p. 2).

Closely connected to the EU's overriding objective of peace and security is the EU's involvement in conflict prevention. According to CAMERON (2007), such activities can be considered "as the 'new frontier' as regards an identity for EU foreign and security policy" (p. 172). Although the EC/EU has demonstrated a continued commitment to conflict prevention from its inception onwards, its capacity for conflict prevention first became a central focal point of external relations towards the end of the 1990s.⁹ The overall objective for EU conflict prevention measures is outlined in a Commission Communication from 1996. Under the concept of 'structural stability', i.e. promoting a

⁹ During this period the EU adopted many documents related to peace-building, conflict prevention, and conflict resolution; these were, however, specifically addressed to EU conflict prevention and resolution efforts in Africa.

situation of “sustainable economic development, democracy and respect for human rights, viable political structures and healthy social and environmental conditions, with the capacity to manage change without resorting to conflict”, the EU aims to develop a comprehensive approach to conflict prevention (EUROPEAN COMMISSION, 1996, p. 2). This “growing commitment towards [comprehensive] conflict prevention” was further cemented in two documents in 2001 (BARBÉ & JOHANSSON, 2001, n.p.): a Commission Communication and the Gothenburg Program for the Prevention of Violent Conflicts. In its communication, the Commission declared that “[t]he European Union has a duty to try to address the many cross-cutting issues that generate or contribute to conflict” and aims to tackle the root-causes of conflict in its integrated approach to conflict prevention by working closely with the recipients of EU assistance and drafting country strategy papers (EUROPEAN COMMISSION, 2001a, p. 5). The 2001 European Council in Gothenburg welcomed the Commission’s communication on this subject and further underlined the EU’s “political commitment to pursue conflict prevention as one of the main objectives of the EU’s external relations” (EUROPEAN COMMISSION, 2001b, p. 1). It stressed the importance of setting clear political priorities for action, strengthening the EU’s long- and short-term instruments of prevention (i.e. development cooperation, trade, arms control, human rights, and political dialogue in the sphere of long-term conflict prevention as well as diplomatic and humanitarian instruments for short-term conflict prevention), and establishing effective partnerships to prevent conflicts. Furthermore, it specified that the aspects of civilian and military crisis management within the ESDP framework “will also contribute to the capabilities of the EU to prevent conflicts” (EUROPEAN COMMISSION, 2001b, p. 3). Thus, the possible strength of the EU in the realm of conflict prevention is the fact that it does have the mixture of political, economic, social, development and if necessary military measures needed to implement effective policies (KRAUSE, 2001, p. 11). The availability of a vast array of conflict prevention instruments is, according to CAMERON (2007), “the EU’s added value in conflict management” and prevention (p. 181).

1.2.3 Member State Foreign Policy

The contribution of member state foreign policy to ‘European’ foreign policy is highly relevant to any study of ‘European’ foreign policy. In fact, WHITE (2001) purports that “[w]e cannot understand European foreign policy-making without looking at the separate foreign policies of member states” (p. 118). The EU member states are ultimately

individual, autonomous actors that “have maintained distinct national foreign policies, whether this is about specific regional interests, specific global issues or special relationships with other powers” and still pursue their own autonomous foreign policy objectives and interests (TONRA & CHRISTIANSEN, 2004, p. 1). They can act unilaterally, or they can choose to coordinate their foreign policy actions in the formulation and implementation of Union and Community foreign policy. In fact, “what individual states do or do not do in their national foreign policies sets the limits for collective action” at the EU-institutional level (HILL, 1993, p. 122). As REYNOLDS (2004) also argues, “understanding the divergent foreign policy priorities and interests of the member states is clearly key to understanding some of the core problems inherent in the formulation of foreign policy beyond the nation state” (p. 43).

As autonomous entities, the foreign policies of the member states are still influenced by the age-old concerns of states: economic interests, historical experiences, and geography. Another important influence in individual member states' foreign policy is their preference regarding the shape and form of EU-level foreign policy cooperation. On the one side, there are member states that express their desire for increased integration in the foreign policy field to the point of supranationalism; for example, the Benelux states, Germany, and Italy regard their interests as best served through the strengthening of supranational institutions and subscribe to the goal of a single European foreign policy (HILL, 1997, pp. 88-90; HILL, 1998b, pp. 36-37; REYNOLDS, 2004, pp. 49-50). Germany and Italy, however, have found the ability to assert themselves and do not always follow the lines of European foreign policy. Other states are generally supportive of integration but have distinctive concerns that limit their propensity to accept foreign policy convergence such as Spain and Portugal, who have special interests and concerns in the Mediterranean region which make them hesitant about the extension of the Community method of decision-making to foreign policy. Among the intergovernmentally-inclined member states are Great Britain, France, and Denmark. Whereas Great Britain and France regard themselves as having special responsibilities that cannot be confined by Community procedures and have often went their own way on major international problems, Denmark refuses to relinquish sovereignty in the CFSP for historical reasons. A further, perhaps even more important, influence on member state foreign policy as well as on European foreign policy cooperation and integration is the degree of influence that the U.S. has. In addition to Great Britain, due to its special relationship with the U.S., Denmark, the Netherlands, Portugal, Spain, Italy, and many of

the new member states have consistently followed a pro-Atlanticist stance with policies leaning towards the U.S. On the other side of the spectrum is France, increasingly supported by Belgium, Luxemburg, and Germany, with its calls to establish a third power as a counterbalance to U.S. international influence (REYNOLDS, 2004, p. 50).

Such national foreign policy objectives and priorities thus inevitably determine CFSP outcomes: similar interests and priorities among the member states facilitate foreign policy cooperation, whereas issues such as a member state's cultural and ideological need for prestige and status may present major obstacles to effective foreign policy cooperation (ZIELONKA, 1998b, pp. 55-85). When vital interests of the Union and the member states are touched by a particular policy or issue, the "institutional constraints become particularly tangible [...], because then the internal struggle for securing priorities and defending particular interests [...] becomes all the more tense", making consensus almost impossible (MEDINA ABELLÁN, 2004, p. 277). Despite the ingrained nature of foreign policy interests, REYNOLDS (2004) observes a diminishment in the "degree of difference and divergence among member states' foreign policies" (p. 50). In fact, member state foreign policies have converged to the point that it is expected of the EU member states to "be able to reconcile and coordinate their foreign policies in a common EU position" (p. 52). REYNOLDS (2004) underlines the second-nature of foreign policy cooperation that has developed at the European level in recent years by stressing that when they cannot reconcile their differences "we are shocked" (p. 52).

Although the member states increasingly pursue foreign policy within the CFSP/ESDP framework when their interests and preferences converge, this cooperation "does not actually replace national foreign policies [...] but exists largely in tandem with them" (MAHNCKE, 2004, p. 28). Two reasons support this parallel existence of member state foreign policy and foreign policy at the EU-level. First, due to the intergovernmental nature of the CFSP framework, Union foreign policy is implemented and supported by the member states themselves, as the vast majority of policy tools available to the CFSP are in fact first and foremost national tools. The member states' national policies and foreign ministries provide "expertise, information, and the necessary political support to make the CFSP credible" (REYNOLDS, 2004, p. 44). As such, member states' foreign policies "are an essential underpinning of the CFSP" (MAHNCKE, 2004, p. 28). Secondly, the member states "tend to regard [CFSP] as an add-on to national foreign policy rather than as a substitute for it" (HILL, 1997, p. 88). In fact, they are notorious for using the CFSP to pursue their own national interests

(HILL, 1996): Whereas Germany views the CFSP as a useful mechanism to assert its interests in a multilateral setting in order to refrain from appearing unilaterally aggressive, France exploits the CFSP to promote its priority of making Europe – with France at its helm – an alternative power to the U.S., and Great Britain uses it to reassert its national interests in light of its reduced international influence after its empire's decline.

Despite the prominent position of member state foreign policies as the “main sources of power and legitimacy” in the European foreign policy system (STETTER, 2004, p. 729), the cooperation within the CFSP framework does “shape [member state] perceptions, choices, and behavior – not least because it is the only way by which Europe can have a high political profile in the global system” (HILL, 1998b, p. 49). Consequently, it is becoming increasingly difficult to distinguish between member state and EU foreign policies as well as to draw a clear and unambiguous boundary between the policies conducted by the EU and those individually pursued by its member states. This perceived ‘fusion’ of national and EU foreign policy can be attributed to an open-ended process of adaptation and change on the side of member state policy (WESSELS, 1997). The process facilitating this phenomenon is regarded by many scholars to be the result of the Europeanization of member state foreign policy (MANNERS & WHITMAN, 2000; WHITE, 2001; TONRA, 2000; REYNOLDS, 2004).

In general, “[t]he key proposition of Europeanization is that membership in the European Union has an important impact on each member state’s foreign policy and that this impact is increasing in salience” (WONG, 2005, p. 152).¹⁰ Amidst the numerous contributions in scholarly literature defining and conceptualizing the Europeanization of foreign policy, two major aspects of Europeanization with respect to foreign policy stand out: the ‘top-down’ and ‘bottom-up’ processes of Europeanization.¹¹ ‘Top-down’

¹⁰ The concept of Europeanization itself has many different meanings, the first of which was presented by LADRECH (1994), who defined Europeanization as “an incremental process reorientating the direction and shape of politics to the degree that EC political and economic dynamics become part of the organizational logic of national politics and policy-making” (p. 69). For more on the various concepts of Europeanization see OLSEN, 2002, and RADAELLI, 2000.

¹¹ Examples of the various concepts of Europeanization with respect to foreign policy include VAQUER I FANÉS (2002), JØRGENSEN (2004a), and WONG (2005). Whereas VAQUER I FANÉS (2002) refers to the two sides of Europeanization (the ‘top-down’ process of reception, i.e. the impact of EU processes on national systems and the adaptation to these, and the ‘bottom-up’ process of projection, i.e. the flow of influence from the member states to European policy-making), JØRGENSEN (2004a) and WONG (2005) both add a third aspect. In addition to differentiating between policy adaptation and elevating policy-making, JØRGENSEN (2004a) underlines the aspect of empowerment in Europeanization, which allows all member states to participate in a foreign policy “that matters beyond their borders” (p. 50). WONG (2005), on the other hand, refers to the effects of Europeanization as policy convergence, national projection, and identity reconstruction (i.e. participation in the CFSP results in the gradual socialization of interests and identities) (p. 141). For more on Europeanization and foreign and security policy see also MAJOR, 2005.

Europeanization is caused by member state participation in European foreign policy-making and is “understood as a penetration of the European dimension into the national” (MAJOR, 2005, p. 176). As such, ‘top-down’ Europeanization refers to the member states’ adaptation to the pressures of integration in the form of policy convergence (between the member states) and policy change (conforming to EU policies). According to M.E. SMITH (2000), “prolonged participation in the CFSP feeds back into EU member states and reorients their foreign policy cultures along similar lines” (p. 614). Policy convergence and/or change is therefore a consequence of foreign policy cooperation within the EU framework, which eventually produces shared norms and rules that are gradually incorporated into national foreign policies. Moreover, policy convergence “is expected as EU institutions prescribe roles and constrain activities” (WONG, 2005, p. 150). Evidence of ‘top-down’ Europeanization can be found in the increasing salience of the European political agenda in national foreign policy processes. To this point REYNOLDS (2004) observes, “the ‘European’ dimension is becoming increasingly present in considerations of the ‘national interest’, the implication being that national foreign policies today are resolutely not defined in isolation, but are very much affected by what happens in Brussels” (p. 54). To this extent, a member state’s adherence to the common objectives of EU foreign policy would also be an effect of this side of the Europeanization process. Similarly, instances in which common policy takes priority over a member state’s *domaine reserves* or special interests indicate Europeanization processes at work, especially when national decision-makers justify alterations in policy by referring to the importance of adhering to the common EU policy (BECHER, 2004, p. 59).

The opposite side of Europeanization is the projection of the member states’ respective interests, ideas, preferences, objectives, and models to the EU-level in an attempt to shape and influence European foreign policy-making. This ‘bottom-up’ process of Europeanization occurs as the member states endeavor to promote their respective interests and preferences at the European level, an act “expected of states which command larger resources, strong domestic pressures or dogged commitment to change or forge a certain EU policy” (WONG, 2005, p. 150). Especially the more powerful member states project their national preferences onto the European structure as they “seek to structure EU institutions and policies according to their interests” (WONG, 2005, p. 150). Instances of the transfer of policy to the EU-level can be found in member state attempts to increase national influence in international politics or to influence the foreign policy

of other member states. For example, the EU provides the smaller member states with the necessary resources to increase their influence in certain regions, especially when they hold the Council Presidency. Member states also instrumentalize EU common policy to promote their own interests: Smaller states may take advantage of the Presidency by projecting their interests as European interests, whereas larger states may use the guise of European foreign policy as a means of cover (i.e. acting as an agent of European policy) in promoting their special interests in specific regions.

These two sides of Europeanization form “an ongoing, interactive and mutually constitutive *process* of change linking national and European levels, where the responses of the Member States to the integration process feed back into EU institutions and policy processes and vice versa” (MAJOR, 2005, p. 177, emphasis in original). By linking the national and European levels together in this manner, one can better grasp the continuous interaction between the EU and its member states as well as the changing role of the nation state that has progressively resulted from the interwovenness of the national and European spheres. As a concept, Europeanization hence “attempts to capture the dialectical relationship between the actors and the system, between the nation states and the EU as an institutional entity, and thus between attempts for collective action and the persistence of national security and defence policies” (MAJOR, 2005, p. 187).

Although the general decline of European state power and influence in the light of the rise of new powers (U.S., China, Russia, etc.) and the unique framework the EU provides for increasing the member states' foreign policy voices certainly facilitate Europeanization tendencies and the propensity of prolonged foreign policy cooperation at the European level, member state foreign policy “is not becoming marginalized” (HILL, 1997, p. 95). Despite sharing some of their power with EU actors, especially as these were delegated new capabilities in foreign policy during the 1990s, some member states will remain reluctant to surrender their foreign policy competence to the supranational level, being as foreign policy is regarded by most states as a special domain, particularly in France and Great Britain, but also in newer member states such as Poland. This, however, should not have negative consequences on European foreign policy in general, because, as HILL (1997) argues, the strength of the European foreign policy framework “partly derives from the very fact that it permits national policies to continue in parallel” (p. 96).

2. Analyzing 'European' Foreign Policy

Unfortunately, no single theory that can comprehensively explain the workings of the complex system of European foreign policy illustrated above currently exists. The fields of International Relations and European Studies offer a plethora of theories and approaches to assist in analyzing the development of western European cooperation as well as economic and political integration within the EU framework. 'EU-as-an-actor', neo-realistic, intergovernmental, institutional, constructivist, neo-functional, and federalist approaches exist, which, aside from analyzing the processes of European cooperation and integration, shed some light on the intricacies of European foreign policy-making as well. Such approaches and theories assist in answering questions regarding who the important actors are, how decisions are made, and why member states may cooperate in foreign policy (K. SMITH, 1999). Once identified, the answers to these questions can certainly aid in explaining how the European foreign policy system functions. Thus, at this juncture this study reviews the main theoretical and conceptual approaches to analyzing European foreign policy in an attempt to explain its workings and nature.

2.1 Theoretical Approaches to Analyzing 'European' Foreign Policy

Two prominent opposing hypotheses have been traditionally used to explain the workings of European foreign policy: neo-functionalism and intergovernmentalism. These theories developed as political scientists delved into the phenomenon of western economic integration and its causes in the late 1950s. The integration theory of the early era of European integration was neo-functionalism, the most prominent proponent being HAAS (1958). In the mid-1960s, neo-functionalist assumptions were challenged by scholars of intergovernmentalism such as HOFFMANN (1966). The debate between these two different schools of thought on European integration remains even today the most important schism in the theoretical literature on European integration (ROSAMOND, 2000, p. 2).

As one of the most important and most influential theories in integration literature, neo-functionalism focuses on integration as the result of cooperation between political actors, the ensuing creation of new common institutions with super-ordinate political competences, and the subsequent transfer of loyalty to these new institutions (see STELTEMEIER, 1998; ROSAMOND, 2000, 2005; WOLF, 2005). By doing so, this school of thought deals with the process and character of societal, economic, and state

integration and emphasizes the importance of supranational institutions for integration progress. As an attempt by American political scientists to apply functionalism to a specific region, in this case the nascent EC, neo-functionalism sought to study how intentional integration in certain economic sectors could lead to extensive integration in the entire economic sector. Theorists of this genre tried to explain how economic integration in certain sectors could beget its own impetus and extend through the entire economy, eventually potentially leading to political integration. A driving force of this type of integration was thought to be the establishment of supranational institutions, which theoretically accelerate integrative forces. Neo-functionalists thus posited that the long-term consequences of economic integration would be political integration and increased authority at the supranational level (ROSAMOND, 2000, p. 202).

At the forefront of the neo-functional school of thought is the interest in the conditions and the development of regional integration. Integration is seen as “a consequence of functional constraints, because the socioeconomic problems of highly complex, pluralist industrial societies can only be solved transnationally” (MEYERS, 2000, p. 482; WOYKE, 1998, p. 5). The most prominent neo-functional theorist, HAAS (1958) defines integration as a process, “whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations, and political activities toward a new center, whose institutions possess or demand jurisdiction over the preexisting national states” (p. 16).¹² Once integration begins, spillover – according to LINDBERG (1963) “a situation in which the original goal can be assured only by taking further actions, which in turn create a further condition and a need for more action, and so forth” (p. 10) – results in the inclusion of additional non-integrated policy sectors in the integrated areas. This ‘functional’ spillover and ‘political’ spillover, i.e. the inclusion of new political actors in the integration process, is driven by the supranational institutions of the new center (ROSAMOND, 2000, p. 202). Integration is thus understood “as a gradual and self-sustaining process” (POLLACK, 2001, p. 222).¹³ Another important aspect of integration, according to neo-functionalists was the prospect of the socialization of political actors through the integration process. As a result of increased interaction in solving transnational problems, political actors – HAAS (1958) in particular em-

¹² HAAS (1958) saw the potential for progress in integration in low politicized sectors such as the economic sector.

¹³ In later years HAAS was quite critical of the inability of neo-functionalism to explain the stagnation in European integration by claiming that “De Gaulle proved us wrong” in light of de Gaulle’s empty chair policy in the 1960s (HAAS, 1966, p. 327) and going so far as stating that neo-functionalism is obsolete (HAAS, 1975), a statement he retracted in 2004 (HAAS, 2004, p. liii).

phasized the importance of political elites and economic interest groups in the integration process – become socialized. The political actors' different interests are consequently reformulated and then redefined at the regional level. The transition to integration in the political sector is thus supported by a coalition of political and socioeconomic elites and supranational entities promoting common interests.

Although neo-functionalism does not explicitly deal with European foreign policy, it does point to pressures that could very well induce common foreign policy-making (K. SMITH, 2003, p. 8). WAGNER & HELLMANN (2003) emphasize that neo-functionalism could very well be an important contribution to research on the CFSP (p. 583). They argue that the spillover thesis could identify cooperation incentives in foreign and security policy. After all, EPC was established in part because the member states felt that their economic voice in international affairs should be reinforced by a political voice. Such spillover, however, may not be immediately obvious. According to M. SMITH (1998), the politicization of the EC external activities and the EU's economic engagement "is more likely to lead to an activist and substantial foreign policy than the arguments about CFSP" (p. 94). Socialization processes have also been purported to be at work. K. SMITH (1999), for instance, points to the development of a 'European' dimension in the national policy processes of foreign policy-making (p. 18). As a result of the increased interaction between officials, the collective dimension is increasingly considered by these as international problems arise, and foreign policy positions are adapted in accordance with the other member states' general positions.

Neo-functional forces may very well exist in foreign and security policy; however, these may not be strong enough to promote further integration (GORDON, 1998a, p. 163). So far, the EU member states have been able to withstand these forces and the appeal of integration in the foreign and security policy sector. The fact that the foreign policy emanating within the EU is not considered traditional foreign policy (i.e. it has no independent diplomatic service and no intelligence agency as well as no autonomous military capabilities or capacity) is evidence of the limitation of the spillover effect (K. SMITH, 1999, p. 17). Despite the lack of integration in this policy sector, it is significant to note that the external relations of the EC can be politically oriented and that the EC and the CFSP can cooperate or work together on a policy issue. In such cases one can observe a certain spillover between 'high' and 'low' politics, which can subsequently incorporate the supranational actors into the foreign policy process, especially when EC instruments are used to implement CFSP decisions. Neo-functionalists would argue

that EU institutions, given the role that institutions play in the theory, would press for European foreign policy action when the instruments of implementation are under either the shared or exclusive competence of the Community. In this respect, neo-functionalists would classify the Commission as a decisive actor in the foreign policy-making process which proposes and supports foreign policy action. Its role in the foreign policy process as a negotiator is enhanced as the spillover between high and low politics increases, especially when the foreign policy measures rely on EC capacities. Furthermore, neo-functionalists contend that the Commission "can help to articulate common European interests, suggest policy options, and encourage agreement among the member states on policies that represent more than the lowest common denominator" (K. SMITH, 2003, p. 8). To a lesser extent, the European Parliament may also push for certain foreign policy actions (or hinder them) by using its budgetary powers or its powers in approving agreements.

Neo-functionalism has been most strongly challenged by intergovernmental approaches to European integration. Such approaches emphasize the role of national interests, bargaining, and lowest common denominator deals as well as the unwillingness of states to compromise their core national interests. Intergovernmentalism developed as an alternative way to explain the defining moments of European integration: Periods of rapid change in European integration are explained as the result of converging national interests, whereas stagnation in the integration process is a consequence of divergent positions among the member states (ROSAMOND, 2000, p. 200; see also STEL-TEMEIER, 1998; BIELING, 2005). Thus, intergovernmental approaches identify the member states as the dominant actors in the integration process and purport that policy within the EU is mainly determined by the member states.

HOFFMANN (1966), who first proposed this alternative approach to neo-functionalism, believed that the transfer of political competence to a supranational entity was a selective and interest-led process controlled in its entirety by the member states and dictated by their respective national objectives and interests. The member state governments thus regard integration simply as an instrument with which they can realize national objectives, not as the ultimate desirable goal in and of itself. Integration therefore progresses when member states believe that they will be able to reap economic benefits and to expand their national scope of action as a result of cooperation and make a conscious decision to proceed; however, as soon as they see their vital national interests as threatened they will refrain from integration attempts. The member states' vari-

ous historical experiences, geographical locations, and national interests can therefore impose limits on integration ('logic of diversity'), because these differences cause the member states to generate different responses to different issues. For this reason, integration in the economic sector (low politics) progresses relatively smoothly, whereas sectors that deal with issues in the realm of high politics (i.e. foreign and security policy) remain outside of the integration process.

Contrary to the understanding of institutions in neo-functionalism, intergovernmentalists regard institutions as a "joint body that incorporates the problem-solving capacities and administrative resources of the member states to work on specific tasks of cooperation" (MEYERS, 2000, p. 483). This joint body of cooperation structures is created as an international or supranational institution in order to solve certain transnational economic and political problems. Within this joint body, member states aspire to reduce transaction costs, to achieve some sort of gain, to avoid disadvantages, and to effectively and efficiently use intergovernmental bargaining processes and national instruments.

Within the intergovernmental school of thought, there are two variations: neo-realistic intergovernmentalism and liberal intergovernmentalism. Neo-realistic intergovernmentalists see the EU as a forum, in which the member states occasionally convene in order to negotiate agreements that bolster their own interests. Such neo-realistic intergovernmental perspectives however do have certain limitations (GINSBERG, 2001, p. 34): The EU is surely more than a forum for intergovernmental negotiations. Moreover, neo-realistic intergovernmentalism ignores the role of supranational institutions that enable compromise and oversee the daily activities and processes of the CFSP. In contrast, liberal intergovernmentalism assumes that the European integration process is driven by the convergence of national interests and member state preferences. At the center of this approach is the relationship between domestic preference formation and the behavior of state actors in negotiations. Developed by MORAVCSIK (1991; 1993; 1995; 1998) in a series of articles at the beginning of the 1990s, liberal intergovernmentalism is a two-step model of preference formation and international bargaining. He argues that integration and intergovernmental bargains are not driven by supranational actors, spillover, or coalitions of political elites, but rather by preference convergence among the most powerful member states. In this model the heads of state and government first "aggregate the interests of their domestic constituencies, as well as their own interests, and articulate national preferences toward European integration" (POLLACK, 2001, p. 225). The preferences formed in this process are then brought to the intergo-

vernmental bargaining table of the EU. Agreements made here reflect the relative power of each member state: The less a member state is interested in common policies, the more power it has in influencing the negotiations. The demand for integration thus arises from the domestic political processes of the member states, and the results of integration stem from intergovernmental negotiations between them, in which supranational actors have little or even no influence. Supranational institutions can, however, improve the conditions of member state negotiations; for example they can help regulate cooperation through sanctions, supervision, or allocation. As such they can help advance integration, but they are not a necessary prerequisite for it. Thus, the role of supranational institutions remains subordinate to the role of the member states in fostering integration.¹⁴

Intergovernmentalist approaches, therefore, identify the member states as the dominant actors in European foreign policy at the EU level – both in daily politics and in treaty reform – and contend that decisions are based on the lowest common denominator of mutual interests. They imply that common foreign policy is possible when the member states unite their common interests and regard cooperation as more effective, more influential, and more inexpensive than unilateral actions (K. SMITH, 1999, p. 13). If common interests do not exist, member states will not pursue a common policy, even if all would profit from it. Integration in the realm of foreign and security policy, according to GORDON (1998a, p. 166), will thus first occur, when the interests of the member states converge to the point at which they no longer must fear that a common policy diverges from their respective political agendas or at which the development of common interests convinces them that the loss of national autonomy can be justified by a common policy. The lack of common interests and the logic of diversity are claimed to prevent member state agreement not only on formulating common policies, but also on creating a supranational foreign policy-making machinery. Thus, effective cooperation in the foreign and security policy sector is dependent upon the convergence of national interests. Although the foreign and security policy interests of the three most powerful EU member states (France, Great Britain, and Germany) have converged since the end of the East-West conflict the fact that most foreign policy decisions must still be

¹⁴ Liberal intergovernmentalism is often criticized for what some consider its shortcomings in the decision-making process. GINSBERG (2001) believes, for instance, that the role of state actors is somewhat exaggerated and the common history as well as the relatively continuous cooperation at the supranational-institutional level are neglected in liberal intergovernmentalist explanations of European foreign policy-making (p. 34).

taken unanimously points to the different foreign policy orientations of these member states.

Even when the member states attempt to refrain from transferring sovereignty to supranational institutions in the foreign and security policy sector, intergovernmentalists argue that they can and may 'use' the EU to pursue their own national economic, political, or security interests. A member state (or a group of member states) may push for EU action in order to supplement its own foreign policy activities in a region. In such cases, the EU is viewed as having more influence as a whole or even better policy tools. On the other hand, they may use the EU as a 'shield': Collective action allows member states to hide behind the EU. By citing the need to follow the EU course, member states can possibly ward off criticism from their partners or from domestic forces when adopting new policy positions (K. SMITH, 2003, p. 7).

The tension between these two contrasting approaches to European integration and European foreign policy-making is evident when examining the machinery of European foreign policy. The existence of the pillar system divided between supranational and intergovernmental as well as economic and political dimensions provides for different decision-making procedures and thus different actors in each pillar. Nevertheless, the institutions that play a role in Community and Union foreign policy are to a large extent the same; however, their responsibilities and interaction vary depending on the issue at hand, and the increasingly cross-pillar nature of European foreign policy becomes apparent. The following section therefore reviews the European foreign policy machinery with respect to these opposing dimensions.

2.2 European Foreign Policy-Making

The primary institutions involved in the European foreign policy process as a whole are the Council of the European Union (i.e. Council) and the European Commission. Here the division between the supranational and intergovernmental divisions in European foreign policy is blatantly evident: As CAMERON (2007) accurately observes, "[t]he Commission is very much in the driving seat when it comes to trade policy, enlargement and development policy; but it is the Council, representing the member states, that leads on political-security issues" (p. 40). Figure 2 (see p. 44) illustrates the various actors involved in the European foreign policy process. The multiplicity of the persons and structures involved in the foreign policy process showcases the complexity of European foreign policy and the need to assure the consistency of external activities,

a task bestowed upon the Council and the Commission in Article 3 TEU. In addition to these actors, the Troika, consisting of the foreign minister representing the Presidency, the Commissioner for External Relations, and the High Representative for the CFSP, usually represents the EU when external relations also involve foreign policy aspects. This confusing mix of actors will not be analyzed as a whole, instead the main actors representing the supranational and the intergovernmental dimensions of European foreign policy will be analyzed accordingly.

2.2.1 Supranational Features of European Foreign Policy-Making

The European Commission, “the most supranational of the EU institutions”, is tasked with representing and upholding the interests of the EU as a whole and responsible for

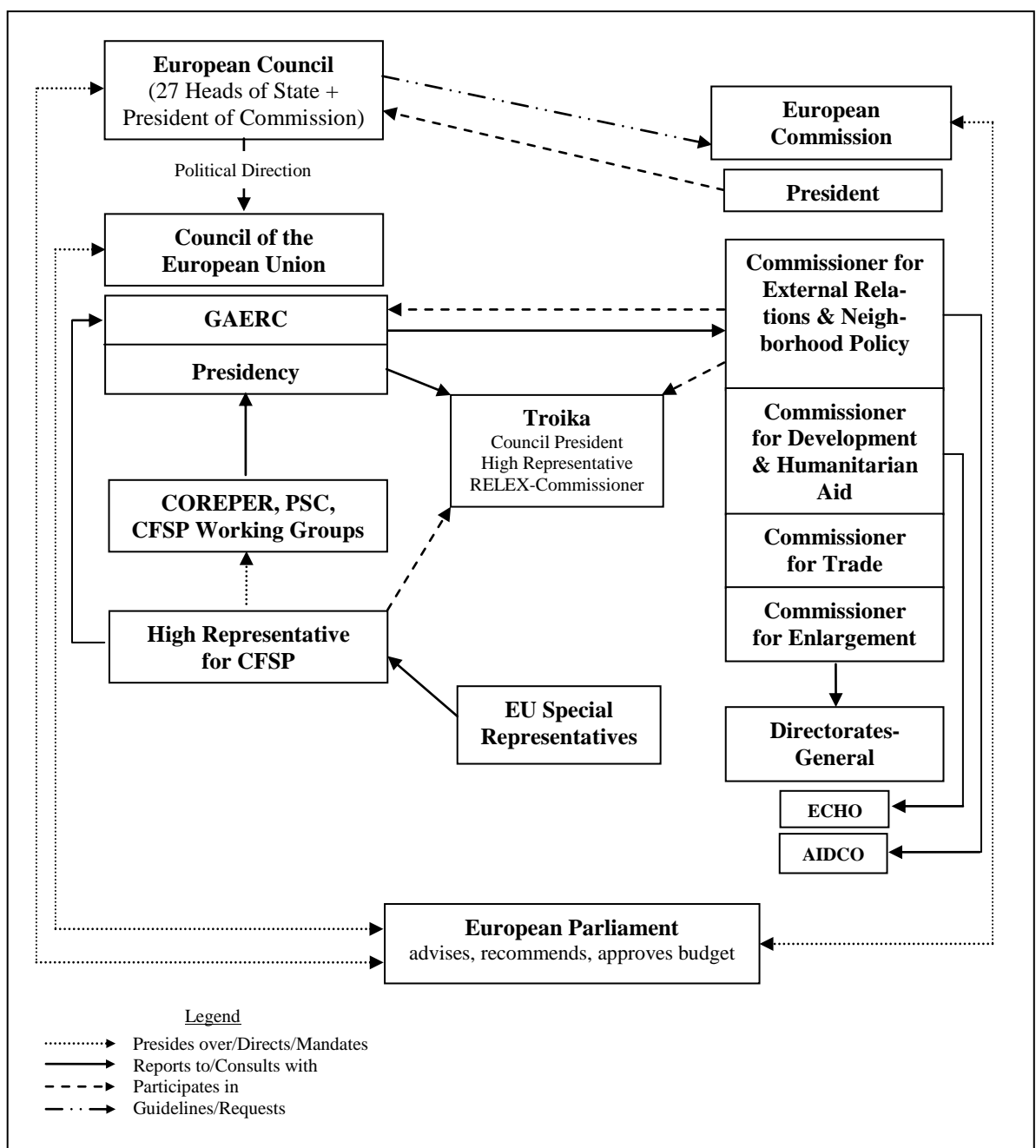


Figure 2 European Foreign Policy Machinery (Source: adapted from CAMERON, 2007, p. 42).

the daily business of the EU (MCCORMICK, 2002, p. 88). As the guardian of the Treaties and defender of the EU interest, the Commission has four main roles: proposing legislation to the European Parliament and the Council; managing and implementing EU common policies (i.e. research and technology, overseas aid, regional development, etc.) and the budget; enforcing European law; and representing the EU on the international stage (i.e. in negotiating agreements). The Commission is composed of a 27-member college of "Commissioners", including the President. Each member is appointed by a member state; however, the Commissioners are obliged to act independently and in the interest of the Union as a whole, not on instructions from their respective governments.¹⁵ The Commission is assisted in the formulation and implementation of EC policies by a civil service currently made up of 41 Directorates-General and services. With respect to foreign policy, four DGs handle external relations issues (DG RELEX, DG ELARG, DG DEV, and DG Trade) and two services deal with external activities (ECHO and AIDCO).

Until the Treaty of Maastricht came into force, the external actions of the Commission concentrated on foreign economic and development policy. Genuinely foreign policy issues played a marginal role, being as there was no common foreign policy. The organizational structure in external relations since Maastricht has changed with each Commission president to reflect the expansion of European foreign policy subject matter handled by the Commission (see Figure 3, p. 47).¹⁶ In 1993 Jacques Delors introduced a functional organizational model for the Commission, in which the responsibilities for external relations were divided between DGs for foreign economic policy, development policy, and foreign policy. In 1995, Delors's successor, Jacques Santer, adopted an alternative approach and sorted the DGs and the Commissioners' portfolios using geographical criteria. This approach, i.e. the geographic categorization and separation of internal responsibilities (development, trade, and foreign policy aspects had to be handled in each DG) proved itself as inadequate: It became too complex and created more problems and confusion in policy-making than the intended coherence and efficiency (SCHUKRAFT, 2007, p. 131). Under President Romano Prodi, the functional model of organization was reintroduced, and this approach has been maintained by the current

¹⁵ The Commission President-designate, in discussion with the member state governments, nominates the Commissioners. The Council must adopt the list of nominees by qualified majority and refers it to the European Parliament for approval. Should the Parliament approve the nominees, the Commission is formally appointed by the Council (acting by qualified majority) (Art. 214 (2) TEC).

¹⁶ For a succinct review of the Commission's organizational restructuring efforts see NUGENT & SAURUGGER, 2002.

Commission president, José Manuel Barroso, in a slightly modified form (see Figure 3 below).

Delors Commission 1993-1995		Santer Commission 1995-1999	
President	Jacques Delors	President	Jacques Santer
External relations and enlargement	Hans van den Broek	External Affairs	Leon Brittan
Cooperation, development, and humanitarian aid	Manuel Marin	Relations with the Southern Mediterranean, Latin America, and the Middle East	Manuel Marin
External economic affairs and trade	Leon Brittan	Relations with Central and Eastern Europe	Hans van den Broek
		Relations with African, Caribbean, and Pacific countries	João de Deus Pinheiro

Prodi Commission 1999-2004		Barroso Commission 2004-present	
President	Romano Prodi	President	José Manuel Barroso
External Relations	Chris Patten	External Relations and European Neighborhood Policy	Benita Ferrero-Waldner
Development and Humanitarian Aid	Poul Nielson / Joe Borg (after 1 May 2004)	Development and Humanitarian Aid	Louis Michel
Trade	Pascal Lamy / Danuta Hübner (after 1 May 2004)	Trade	Peter Mandelson
Enlargement	Günter Verheugen / Janez Potočnik (after 1 May 2004)	Enlargement	Olli Rehn

Figure 3 Directorate-Generals Related to External Relations, 1993-present

Of the Commissioners in the Relex Group¹⁷, the Commissioner for External Relations and ENP has the highest profile due to the sheer scope of responsibilities accorded to DG RELEX which include the ENP, bilateral relations with all countries not covered by

¹⁷ In order to better coordinate external relations activities within the first pillar and formulate a coherent Commission approach to external relations and the CFSP, President Prodi set up a small grouping of Commissioners dealing with external affairs, the so-called 'Relex Group,' consisting of the Commissioners in charge of external relations (who also chaired the group), development, enlargement and trade as well as the President of the Commission. President Barroso has continued this practice and chairs the group, which now also includes the Commissioner for Economic and Monetary Affairs. Despite efforts to formulate coherent policies, the Relex Group has not, according to CAMERON (2007), lived up to these expectations: "Too often Commissioners plough their own furrow rather than seek to produce well-thought-out, comprehensive policy papers taking into account all the various aspects of external relations" (p. 54).

development policy (Eastern European, Central Asian, Middle Eastern, Southern Mediterranean, North American, Latin American, and Asian countries and with non-EU European countries, including those outside of the enlargement process, i.e. Iceland, Norway, Liechtenstein, Switzerland) and relations with international organizations. Furthermore, it is also responsible for the administration of the Commission's 136 delegations in third countries and international organizations as well as managing and implementing EU financial assistance through the Europe-Aid Cooperation Office. The DG for Development is responsible for the initiation and formulation of Community development policy, relations to the ACP countries and regions and the overseas countries and territories associated with the EU as well as for ECHO and the EDF activities of AIDCO. DG ELARG is responsible for bilateral relations with the candidate countries (presently Turkey, Croatia, and the Former Yugoslav Republic of Macedonia) as well as the pre-accession process and accession negotiations. It also handles the Stabilization and Association process in the Western Balkan countries (Albania, Bosnia and Herzegovina, Montenegro, and Serbia), including financial assistance to these, as well as any issues related to countries moving closer to the EU. DG Trade is responsible for all aspects of the Union's international trade policy, including bilateral, regional, and multilateral agreements.

The Commission is thus "the most prominent 'face' that the Community presents to third countries" (K. SMITH, 2003, p. 36). Moreover, as a "driver of foreign policy integration", the Commission plays a unique role in European foreign policy (EDWARDS, 2005, p. 52). Since the mid-1980s, when under the SEA the Commission became fully associated with EPC, it has been able "to bring the economic and political aspects of policy together" by initiating action within the Community framework in the form of, for example, sanctions and aid programs (EDWARDS, 2005, p. 52). Being capable of implementing external policies and negotiating on behalf of the member states gives the Commission "the possibility of using external pressure to strengthen its negotiating positions internally and vice versa" (POLLACK, 2003, p. 270). To this point POLLACK (2003) concludes, "the spillover effect in terms of foreign policy making is equally significant" (p. 270).

That being said, the actual role of the Commission in the foreign policy decision-making process depends on the different foreign policy aspects in discussion. In the areas of trade, enlargement, and development policy as well as financial assistance and multilateral diplomacy, the Commission "is very much in the driving seat" and has a

significant role in proposing policy initiatives, managing policy instruments, and in negotiating on behalf of the member states in multilateral forums or with third parties (CAMERON, 2007, p. 40). Nevertheless, its degree of influence is equally subject to the issue at hand. For example, the role of the Commission in development policy is weaker than in trade policy, because it has exclusive competence in trade policy, but only shared competence in development policy. With respect to trade issues, especially aspects concerning economic sanctions, the Commission has the monopoly on initiative and negotiation. The exclusive right of initiative and of negotiating international trade agreements bestows upon the Commission a "pivotal" role in trade policy (VANHOONACKER, 2005, p. 71).

The Commission's role in development cooperation, due to the fact that it is not – like the CCP – a common policy, is in comparison to trade policy much weaker, despite having a wide range of responsibilities (i.e. negotiating cooperation and association agreements, managing the EU aid budget and the EDF, and instigating initiatives to coordinate EU and member state policies). This weakness is attributed, on the one hand, to the member states' reluctance to cede sovereignty in this policy field and, on the other hand, to the Commission's organizational structure (VANHOONACKER, 2005, p. 76). The responsibility for development cooperation is not bestowed upon one actor within the Commission and is instead dispersed throughout the Commission hierarchy. Development cooperation competences are thus shared by the DG DEV (responsible for ACP and Overseas Countries and Territories), DG ELARG (responsible for pre-accession aid to candidate countries), and DG RELEX (responsible for non-ACP countries, i.e. North Africa, Latin America, parts of Asia, the Middle East, former Soviet republics). There has, however, been "an increasing attempt by the Commission to exploit the possibilities of its powers by becoming better organised" (VANHOONACKER, 2005, p. 78). Although many view the reforms undertaken in this respect as insufficient,¹⁸ VANHOONACKER (2005) argues that should the Commission be successful in its reorganizational attempts, it would – in development policy – gain "some of the influence as a 'policy entrepreneur' that has been discerned in other areas of policy-making" (p. 78).

In contrast to its role within the framework of Community foreign policy, the Commission is "*not* a driving force" in Union foreign policy (K. SMITH, 2003, p. 38, em-

¹⁸ Examples of such attempts are the devolution of responsibilities to the delegations of the Commission's External Service located in the EU's partner countries and reform initiatives aimed at reunifying the project cycle of EU aid projects concerning development policy by establishing the SCR in 1998 to unite the last two phases of the project cycle and its successor, EuropeAid, in 2001, which is now responsible for all phases of the project cycle except the first (VANHOONACKER, 2005, p. 76).

phasis in original). Its potential to play a leadership role in European foreign policy “is limited by its relative marginalization” within CFSP (BRETHERTON & VOGLER, 2006, p. 8). Nonetheless, the role and the self-image of the Commission in European foreign policy have changed since the mid-1990s. Due to the Commission’s new competence and participation rights in CFSP, the Commission “sees itself increasingly as a political actor with a more formative than an exclusively administrative role” (SCHUKRAFT, 2007, p. 129). As a participant in CFSP, the Commission is represented at all levels: The President of the Commission partakes in the European Council, and the Commissioner for External Relations is present at GAERC meetings; however, the actual extent of the Commission’s influence is difficult to measure, because Council meetings usually take place behind closed doors (PFETSCH, 2005, p. 245). The Commission also plays an important role in the external representation of European foreign policy in that it is also “fully associated” with the representation tasks accorded to the Presidency (Art. 18 (4) TEU).

Although the Commission is “fully associated with the work carried out in the foreign and security policy field” (Art. 27 TEU), it does not have a special right of initiative in the CFSP framework and instead must share this with the member states (Art. 22 TEU); therefore, it “cannot exercise the same influence on policy-shaping as it does in the Community” (WEIDEL, 2002, p. 25). Despite having accumulated a right of initiative in Maastricht, the Commission refrains from policy proposals (the majority of which come from the Presidency and the member states), further limiting its influence on the policy process; nevertheless, the Commission “has played an increasingly important role in shaping EU policy through its communications to the Council”, especially when strategies and partnerships require cross-pillar policy approaches (CAMERON, 1997, p. 100). Furthermore, increased participation in the implementation of CFSP Joint Actions is accorded to the Commission in Article 14 (4) TEU: “The Council may request the Commission to submit to it any appropriate proposals [...] to ensure the implementation of a joint action”. It can also exert influence over the CFSP through its control of the budget, being as the CFSP is financed through the Community budget. While the Commission is not accorded a role in ESDP and has not sought to obtain a role in security and defense issues, “it has argued that it has an important role in non-military dimensions such as defence-industrial co-operation, funding and training of police, customs officials and border guards, economic sanctions, de-mining operations, election

monitoring, and restoring local administrations in societies emerging from conflicts” (CAMERON, 2007, p. 54).

Thus, although the Commission has, in comparison to the Council, less formal powers with respect to foreign policy, its influence and “role as a policy entrepreneur and policy driver should not be underestimated” (EDWARDS, 2005, p. 53, see also ZIELONKA, 1998b, p. 187). The Commission plays a significant role in securing the coherence or consistency of European foreign policy, especially between Union and Community foreign policy as well as in bringing positions into the policy process that represent a European view and not national interests (SCHRÖDER, 2006, p. 147). An example of such efforts is the Commission’s role in conflict prevention – a role the Commission regards as its main contribution to Union foreign policy – in which it strives to ensure that all policy areas, instruments, and policy tools concerning conflict prevention are brought together to form a coherent approach to addressing the threats facing the EU (CAMERON, 2007, p. 54). Moreover, the implementation of European foreign policy relies heavily on the competences of the Commission. As ZIELONKA (1998b) observes,

“[t]he Commission has the manpower and expertise which the Council and its relatively small Secretariat clearly lack. [...] Moreover, the Commission has maintained its privileged position with respect to the external trade relations of the Union, which means that it continues to be involved in applying the most important CFSP instruments, such as humanitarian aid, preferential trade agreements, and economic sanctions. Thus the Council, which is formally given the power to make all major decisions, has no other choice but to rely upon the assistance of its ‘supranational’ rival [...] especially as far as policy implementation is concerned” (p. 187).

Thus, the spillover between low and high politics has resulted in the incorporation of the Commission in foreign policy activities, giving the Commission not only an important role in the supranational dimensions of European foreign policy, but also in the intergovernmental dimensions as well.

The other supranational actor in the European foreign policy process is the European Parliament. This democratically elected institution representing the citizens of the EU member states was initially garnished with a consultative role within the EC framework with regard to foreign policy issues. Yet, over the years the EP has “slowly [...] found more than a voice in foreign affairs” (EDWARDS, 2005, p. 57). The Treaty of Maastricht confirmed that the Presidency and the Commission must inform the EP “of the development of the Union’s foreign and security policy” and take the EP’s views in account (Art. 21 TEU). Additionally, the EP is consulted by the Presidency “on the main aspects and the basic choices” of policy and it may question the Council or make

policy recommendations to the Council (Art. 21 TEU).¹⁹ In addition to these consultation rights, the Treaties provide the EP with limited powers in the realm of the European foreign policy, and these powers vary across the different areas of external activity (LORD, 2005, p. 120). According to CAMERON (2007), "[t]he European Parliament plays a very limited role in the CFSP but a slightly greater role in external relations overall" (p. 57). Within the framework of Community foreign policy, the EP must give its assent to accession treaties (Art. 49 TEU), one of the most powerful EU policy tools. When concluding an accession treaty, a majority of the EP's membership (not a majority of those present at the vote), is required to approve the accession of new member states. LORD (2005) explains that this requirement "adds to the incentive to take the views of the EP into account in developing Union policies towards countries that might one day become members" (p. 121). Association agreements based on Article 310 TEC also require the EP's assent; other agreements requiring the EP's assent are agreements that establish "a specific institutional framework", that have "important budgetary implications for the Community", or that entail the "amendment of an act adopted under the procedure referred to in Article 251 [co-decision]" (Art. 300 TEC). As such, the Parliament's right to assent can be regarded as "an effective instrument of parliamentary accountability and control" (LORD, 2005, p. 121).

The main power of the EP over Community foreign policy is its budgetary control: "The need for parliamentary approval of annual budgets [...] allows the EP a measure of control of the various kinds of financial aid offered by the Union to third countries" (LORD, 2005, p. 122). Nevertheless, the powers of the EP over the budget are constrained by agreements that limit the EP from varying overall expenditure; however, the EP can set priorities by targeting one or two priorities in successive budgets or by adding remarks to the budget lines to shape the "procedural and substantive conditions under which allocations can be spent on international policies" (LORD, 2005, p. 122). As far as Union foreign policy is concerned, the Maastricht Treaty introduced "foreign policy issues into the core of parliamentary competencies, namely the budget" (MAURER, KIETZ & VÖLKEL, 2005, p. 184). In fact, according to MAURER, KIETZ & VÖLKEL (2005), "[t]he EP's budgetary powers concerning the CFSP are its 'hardest'

¹⁹ Despite the Presidency's obligation to consult the EP on foreign policy and to take its views into account, this obligation is not as stark in the second pillar as it is in the first. With regard to consultation on first pillar issues, an ECJ ruling from October 29, 1980, requires the Council to allow for reasonable time for the EP to draft and submit a written opinion for the Member States to consider. Conversely, in CFSP matters, "the Council decides for itself what form its obligation to consult should take and when it has been satisfied" (LORD, 2005, p. 122).

competencies in the entire foreign policy field” (p. 184; see also DIEDRICHS, 2004, pp. 38-40); however, the member states have repeatedly attempted to minimize parliamentary control over CFSP matters by distinguishing between administrative and operating expenditures for the implementation of Union foreign policy (see Art. 28 (2) and 28 (3) TEU, respectively). Because the operative expenditures of the CFSP are non-compulsory expenditures over which the EP has a final say and the member states feared the “communitarization of intergovernmental action through the back door” but were simultaneously unwilling to finance operations through their own national budgets (MONAR, 1997a, p. 57), the Council repeatedly tried to “circumvent Parliament by declaring huge sums – which in part were obviously operational costs – as its own administrative expenditures” (MAURER, KIETZ & VÖLKEL, 2005, p. 189).

Despite the member states’ attempt to limit EP influence in foreign policy, “the EP has gained considerable competencies going beyond the role foreseen for it in the treaties” (MAURER, KIETZ & VÖLKEL, 2005, p. 184). An Interinstitutional Agreement (IIA) in 1997 solidified the EP’s budgetary as well as consultation and information rights within the CFSP (IIA, 1997). First, it emphasized that CFSP expenditures are non-compulsory expenditures and in doing so granted the EP the final say over expenditures charged to the EC budget. Secondly, it proposed six budget lines for operative expenditures and underlined the fact that no operative expenditures are to be entered into a reserve in an attempt to evade parliamentary control. Thirdly, the agreement established a formal consultation procedure, in which the Council must consult yearly with the EP on CFSP and communicate to the EP the estimated costs of CFSP actions immediately after adopting the decision. Additionally, the Commission must inform the EP of the implementation of CFSP decisions and provide financial forecasts on a quarterly basis. This budgetary control and consultation right is, however, only indirect (LORD, 2005, p. 123). Direct parliamentary influence on foreign policy is thus very much “dependent on the Member States’ willingness to transfer power to the EP” (MAURER, KIETZ & VÖLKEL, 2005, p. 179). Instead of being a decision-maker, the EP plays more of a role in steering political debates and making issues public through its various means of parliamentary control with respect to external activities such as its use of declarations, statements, resolutions, and CFSP recommendations as well as through its debates, reports, oral and written questions, and public hearings (STAVRIDIS, 2004, p. 298).

A further supranational feature of European foreign policy are the decision-making procedures for decisions made within the Community framework, generally referred to as the 'Community' or Monnet method, a supranational way of decision-making which accounts for the "relative success of Community policies under the first pillar". The 'Community method' is essentially a body of rules governing the proposal, adoption, funding, and legal effects of policy measures, which are carried out by Community institutions (the Council, the Commission, the EP, and the ECJ). General characteristics of the 'Community method' are the Commission's privileged right of initiative, "preserv[ing] its prerogative to determine the general orientation of the Community's policy" (PERNICE & THYM, 2002, p. 371), the Commission's executive function, confirmed by the member states who allow the Commission negotiate on their behalf, and the use of QMV in the Council when adopting decisions (PERNICE & THYM, 2002, pp. 371-372). Although the Commission has the sole right of initiative, the Council (together with the EP) "ultimately decides upon the fate of the measures proposed," generally by qualified majority (BRETHERTON & VOGLER, 2006, p. 6).²⁰ The Community method extends not only to one of the most important instruments of EC law, the ability to negotiate international agreements, but also to "'unilateral' or autonomous foreign policy instruments [...] such as visa requirements, financial assistance to third countries, and the generalized system of trade preferences" (PERNICE & THYM, 2002, p. 371); in contrast, the Council must act unanimously in suspending agreements or permitting a new country to join the EU. QMV is thus used when adopting trade agreements, development cooperation agreements, and agreements on economic, financial, and technical cooperation, whereas the conclusion of association agreements necessitates unanimity, a fact that demonstrates that the Community method is not applied to all aspects of Community foreign policy (K. SMITH, 1999; POCAR, 2002).

²⁰ In order for a qualified majority to be established with the Council, the proposal must be backed by a simple majority of member states and supported by 255 votes, which equals 73.9 percent (Art. 205 (2) TEC; EUROPEAN COUNCIL, 2006b, p. E/328). The number of votes each member state has is dependent on population: the more populous states have more votes (on the number of votes each member state has see Art. 205 (2) TEC and EUROPEAN COUNCIL, 2006b, p. E/328.). When the Council is not acting on a Commission proposal, the adoption of this proposal must be agreed on by two-thirds of the member states and 255 votes. A further requirement is that the countries supporting the proposal must represent at least 62 percent of the total EU population (Art. 205 (4) TEC). Although this requirement is almost always implied, member states may request to verify the population condition. Should the vote meet this requirement, the proposal or decision cannot be adopted.

2.2.2 Intergovernmental Features of European Foreign Policy-Making

The main intergovernmental features of European foreign policy are logically those in which the EU member states dominant policy-making, these being the European Council and the Council of the European Union. The European Council, chaired by the president or prime minister of the member state holding the Presidency of the Council, consists of the member states heads of state and government and the President of the Commission and as such is “the highest decision-making body in the EU” (CAMERON, 2007, p. 41), providing the EU “with the necessary impetus for its development and defin[ing] [its] general political guidelines” (Art. 4 TEU). The European Council is not an official organ of the EC and has no formal decision-making powers within the EC framework; nevertheless, the European Council increasingly plays a more important role within the Community foreign policy-making process. This is seen in the fact that pending decisions are increasingly approved and resolved in the European Council (K. SMITH, 2003, pp. 31 ff.); however, European Council decisions are not legally binding, because it is outside of the Community legal framework (BURKHARD, 2001, p. 59). Yet, according to BURKHARD (2001), “the political weight of the heads of state and government is so strong that it is difficult to fathom that the Council would deviate from the European Council’s parameters”, giving the European Council a role in the supranational Community foreign policy framework (p. 59).

In contrast to its lack of decision-making powers within the EC framework, the European Council plays a more substantial role in the formulation of Union foreign policy, making the member states the central actors. This becomes clear when one examines the position of the European Council in the decision-making process. In “the principles of and general guidelines for the common foreign and security policy” (Article 13 (1) TEU) and in common strategies, the European Council solely decides when, where, and how the EU acts. As such, it is responsible for the fundamental direction of European foreign, security, and defense policy and thus plays a central role in shaping and voicing the EU’s international position (SCHRÖDER, 2006, p. 144). In its function as the “mouthpiece” of European foreign policy towards current issues in international politics, the positions and texts published by the European Council receive more much attention from the media, the public, and the addressees of such positions than similar resolutions propagated by the Council (REGELSBERGER, 2004, p. 54). Nevertheless, the actual influence of these official statements is contingent upon the timing of their

release and the quality of their contents, the latter of which is notorious for redundancy and vagueness.

Yet, the European Council spends comparatively little time on foreign policy issues; it usually just blesses or “rubber-stamps decisions and declarations that have been prepared at lower levels” (CAMERON, 2007, p. 41). The European Council functions as the highest decision-making authority only when differences of opinion between the member states prove difficult to overcome; however, disputed issues are, in practice, generally clarified at the Council level or in the committee or working group responsible for the issue-area (SCHUKRAFT, 2007, p. 150). Moreover, the European Council strives to avoid formal votes and prefers to use the ‘consensus approach’ in the decision-making process (BURKHARD, 2001, p. 59): At the end of consultations on an issue, the chairman of the European Council determines that consensus has been reached. Should no participant object to the chairman’s conclusion, the decision is adopted. Such an approach aims to limit decisions that showcase differences of opinion within the European Council and convey the façade of unity; however, it is at the expense of clear positions, because the decisions, frequently the result of long, grueling consultations in the lower levels of policy-making, often represent merely the smallest common denominator.

In this context, the Council of the European Union is, therefore, the EU’s main decision-making body and as such is “arguably the most powerful of the EU institutions” (MCCORMICK, 2002, p. 95).²¹ As a representative of the member states and “primary champion of national interests” (MCCORMICK, 2002, p. 95), the Council consists of the cabinet-level ministers from the member states and is organized around four structures: the Council configurations, the Presidency, COREPER/PSC, and the General Secretariat. As one of the primary institutions in the European foreign policy process, the Council plays a unique role, a role that was once regarded as “unfathomable” (REGELSBERGER, 2004, p. 29). Today it is “a matter of course [...] [for] a Community organ [to meet] at least once a month in Brussels and Luxembourg as the actual deci-

²¹ The Council has the following powers: It coordinates the economic policies of the member states, passes European laws (together with the EP in numerous policy areas), concludes (i.e. officially signs) international agreements, shares responsibility with the EP for adopting the EU budget, develops CFSP according to the European Council’s guidelines, and coordinates member state actions in the field of police and judicial cooperation. The first four responsibilities fall within the Council’s function in the domain of the European Community, whereas the latter two responsibilities relate to the Council’s responsibilities within the intergovernmental pillars of the European Union. Decision-making is thus dependent upon the subject matter at hand and under which pillar it falls. The Council can take decisions by simple majority, qualified majority or unanimity, although QMV is more widely used due to the number of community policy fields.

sion-making forum for questions concerning European foreign and security policy” (REGELSBERGER, 2004, pp. 29-30). The reformation of the General Affairs Council in 2002 to enhance external policy formulation and promote a more coherent foreign policy through creation of the General Affairs and External Relations Committee recognized the increasing interconnections between the political and economic dimensions of foreign policy by integrating the Minister Councils for development, trade, and defense into the GAERC (SCHUKRAFT, 2007, p. 151). By doing this, the GAERC, in its External Relations Committee formation, now tackles CFSP, ESDP, foreign trade, development cooperation, and humanitarian aid, and hence all aspects of European foreign policy. As the decision-making forum in European foreign policy, this Council usually springs into action only when agreement cannot be reached at lower levels or when the political character or legal status of an issue requires an official vote by the Council (REGELSBERGER, 2004, p. 57). Thus, only a minority of the decisions officially made by the Council are truly ‘made’ by it; the majority of the agenda points at Council meetings are decided on before the meeting and are therefore merely ‘blessed’ by the Council (REGELSBERGER, 2004, p. 58). These decisions are agreed by an array of bodies supporting the Council: circa 15 to 20 percent in the Committee of Permanent Representatives or the Political and Security Committee and approximately 70 percent at the working party level²² (DUKE & VANHOONACKER, 2006, p. 169).

It is here that the intergovernmentality in European foreign policy becomes apparent. COREPER, which prepares the agendas of Council and GAERC meetings, consists of member state ambassadorial-level representatives to the EU bound by the mandate of their governments, and thus represents a “strong national element” in European foreign policy-making (SCHRÖDER, 2006, p. 153). Yet, given their senior status, these representatives “have considerable negotiating flexibility and can inform their political masters if a position cannot be maintained”, functioning as a link between Brussels and the member states, a fact that perhaps leaves some room for the socialization of these officials through the interaction at the European level (CAMERON, 2007, p. 44). As a forum for dialogue and a means of political control, COREPER “occupies a pivotal point in EU decision-making”, a role that is often overlooked in analyses of European foreign

²² An array of working parties carries out the essential preparatory work and day-to-day business of the Council and as such functions as the “backbone” of the Council (WESTLAKE, 1999, p. 311). Representatives of the member states and DG RELEX officials meet regularly in Brussels in 36 different External Relations/ Security and Defense/ Development working parties to discuss external relations and foreign policy issues (see COUNCIL, 2007c, p. 6). They draft policy dossiers and decide on proposals that are subsequently forwarded to the PSC or COREPER before reaching the Council (HÄGE, 2007).

policy decision-making (CAMERON, 2007, p. 44). In addition to preparing Council decisions, COREPER oversees the committees and working parties that examine proposals and decides which proposals go to which Council configuration. Most importantly, COREPER makes decisions: It scrutinizes the dossiers on the Council agenda and seeks to reach agreement on each. In the case that agreement fails to be reached, COREPER suggests guidelines, options, or solutions to the Council. Hence, the agendas for Council meetings reflect the decision-making progress within COREPER: The subject matter on the Council meeting agenda is divided between 'A' points and 'B' points. 'A' points are items on the agenda, on which COREPER has reached unanimous agreement; therefore, the Council approves or 'blesses' the proposal without discussion. 'B' points are the more contentious issues which must be discussed by the Council before approval.

The PSC, established in TEU-N in Article 25 TEU, consists of Brussels-based ambassadorial-level representatives from the member states that meet twice a week, in contrast to its predecessor, the Political Committee, which was comprised of officials who traveled to Brussels once a month for meetings. The PSC is tasked with "monitor[ing] the international situation in the areas covered by the common foreign and security policy and contribut[ing] to the definition of policies by delivering opinions to the Council at the request of the Council or on its own initiative" (Art. 25 TEU). It also oversees the implementation of policies agreed upon by the Council and in crisis situations has a central role in determining the EU's reaction and response to a crisis. As such, the PSC "is the hub around which the CFSP revolves", and the Council's work with respect to CFSP/ESDP is prepared by this body (CAMERON, 2007, p. 45). Thus, whereas COREPER focuses on the institutional, legal, financial, and Community aspects of CFSP/ESDP issues, PSC concentrates on the substance and political analysis of these (DUKE & VANHOONACKER, 2006, p. 174).²³ PSC positions are passed on to COREPER, which generally refrains from altering these, to be put on the Council agenda.

Other intergovernmental structures established by the European Council in Nice in December 2000 are the Military Committee and a Committee for Civilian Aspects of Crisis Management, which aim to strengthen the ESDP and to enhance policy implementation. The EUMC, composed of the Chiefs of Defense from the member state de-

²³ Due to this division of labor, the PSC "in reality enjoys a large measure of autonomy partly because of the specialized nature of [its] discussions and partly because of the usually overloaded agendas for Coreper meetings" (CAMERON, 2007, p. 45). REGELSDERGER (2004) even observes "that the PSC has virtually assumed an equal and autonomous role vis-à-vis the Council" (p. 71).

fense ministries meeting weekly in Brussels, is the “highest military body set up within the Council” (COUNCIL WEBSITE, n.d.a) and provides the PSC with military advice and recommendations, assists in the development of guidelines for the military aspects of crisis management, drafts risk assessments of potential crises, and manages all military activities within the EU (see COUNCIL, 2001b).²⁴ The civilian aspects of crisis management fall within the responsibility of CIVCOM, a body comprised of representatives from each member state and the Commission. It is responsible for developing civil instruments and capacities in the realm of crisis management and provides information to, formulates recommendations for, and advises the PSC in the aspects of non-military crisis management (COUNCIL, 2000a).

Particularly the role of the Presidency in the formulation and implementation of Union foreign policies underlines the intergovernmentality inherent in European foreign policy. Each member state presides over the Council and the European Council for a six-month period on a rotating basis (see Table 1, p. 59), giving the member state holding the Presidency more scope for influence, as the main responsibilities of the Presidency are to organize and manage the work of the Council and its subsidiaries (a task it shares with the Council Secretariat), to shape the Council’s agenda, to mediate Council deliberations and negotiations, to represent the Union in CFSP matters, and to implement CFSP decisions.

Overall, the Presidency can play a significant role in setting the agenda of European foreign policy through policy prioritization and initiation as well as by facilitating the decision-making process. To this point DUKE & VANHOONACKER (2006) observe: “Few countries in the chair resist the temptation to also use their six months to promote their hobby horses and to advance essentially national agendas, often in the guise of broader European interests” (p. 166). Examples of this include Finland’s success in prioritizing relations with Russia as well as promoting the civilian aspects of crisis management or the southern member states’ focus on the Mediterranean region (BRETHERTON & VOGLER, 2006, p. 171). Despite such temptations, the Presidency’s capacity to promote its own interests is nevertheless constrained by its short six-month term, the extent to which on-going business must remain part of the agenda, its role in facilitating diplomatic decision-making, and external events such as international crises

²⁴ The EUMC is supported by the EU Military Staff consisting of approximately 140 military experts. Its main functions are in early warning, situation assessment, and strategic planning for the fulfillment of the Petersberg tasks; implementing policies and decisions as directed by the EUMC; and monitoring and assessing the military capabilities made available to the EU by the member states (see COUNCIL, 2005a)

as well as its own foreign policy resources (smaller member states generally have limited capacity for extensive foreign policy engagement) (DUKE & VANHOONACKER, 2006, p. 167).

Table 1 Presidency of the Council of the European Union, 1993 - 2007

	Council Presidency	MS Head of State / Minister of Foreign Affairs	Council Presidency	MS Head of State / Minister of Foreign Affairs
1993	Denmark	<i>Poul Nyrup Rasmussen</i>	Belgium	<i>Jean-Luc Dehaene Willy Claes</i>
1994	Greece	<i>Constantine Karamanlis/ Karloos Papoulias</i>	Germany	<i>Helmut Kohl Klaus Kinkel</i>
1995	France	<i>François Mitterand/ Hervé de Charette</i>	Spain	<i>Felipe González / Javier Solana</i>
1996	Italy	<i>Lamberto Dini/ Susanna Agnelli</i>	Ireland	<i>John Bruton/ Dick Spring</i>
1997	Netherlands	<i>Wim Kok/ Hans van Mierlo</i>	Luxembourg	<i>Jean Claude Juncker/ Jacques Poos</i>
1998	Great Britain	<i>Tony Blair/ Robin Cook</i>	Austria	<i>Viktor Klima/ Wolfgang Schäussel</i>
1999	Germany	<i>Gerhard Schröder/ Joschka Fischer</i>	Finland	<i>Paavo Lipponen/ Tarja Halonen</i>
2000	Portugal	<i>António Manuel de Oliveira Guterres/ Jaime Gama</i>	France	<i>Jacques Chirac/ Hubert Védrine</i>
2001	Sweden	<i>Göran Persson/ Anna Lindh</i>	Belgium	<i>Guy Verhofstadt/ Louis Michel</i>
2002	Spain	<i>José María Anzar López/ Josep Piqué i Camps</i>	Denmark	<i>Andreas Fogh Rasmussen</i>
2003	Greece	<i>Kostis Stephanopoulos/ George Papandreou</i>	Italy	<i>Silvio Berlusconi/ Franco Frattini</i>
2004	Ireland	<i>Bertie Ahern/ Brian Cowen</i>	Netherlands	<i>Jan Peter Balkenende/ Bernard Bot</i>
2005	Luxembourg	<i>Jean Claude Juncker/ Jean Asselborn</i>	Great Britain	<i>Tony Blair/ Jack Straw</i>
2006	Austria	<i>Wolfgang Schäussel/ Ursula Plassnik</i>	Finland	<i>Matti Vanhanen/ Erkki Tuomioja</i>
2007	Germany	<i>Angela Merkel / Frank-Walter Steinmeier</i>	Portugal	<i>José Socrates / Luís Amado</i>

Thus, although the member state holding the Presidency has increased influence on political decisions, “in practice the ability of Presidencies to influence policy varies considerably” (BRETHERTON & VOGLER, 2006, p. 171; see also SCHALK et al., 2007). A successful (or an unsuccessful) Presidency is therefore determined by the Presiden-

cy's ability (or inability) to advance member state cooperation and to broker compromises. The sheer amount of work involved in fulfilling these responsibilities and tasks (high-level visits, fact-finding trips, the frequency of internal meetings or meetings with third parties) increasingly overburdens the capacity of the Foreign Ministries responsible, and much debate has ensued over the future of this post, in which positions such as a European Foreign Minister or a European President for European Foreign and Security Policy have been propagated to ensure consistency in the external representation of European foreign policy (see REGELSBERGER, 2004, pp. 60-62).

An additional feature of intergovernmentalism in European foreign policy is the intergovernmental method of decision-making that is prevalent in Union foreign policy. This method of decision-making is characterized by the limited involvement of the supranational institutions (i.e. the Commission and the EP) and by the use of unanimous voting procedures in the Council (GROENLEER & VAN SCHAIK, 2005). Within the CFSP framework, all decisions (Joint Actions, Common Positions, and Common Strategies) must be taken unanimously (Art. 23 (1) TEU).²⁵ The exception to this rule is the adoption of Joint Actions and Common Positions that are based on a Common Strategy or that implement previously decided Joint Actions and Common Positions as well as the appointment of special representatives and the SG/HR (Art. 23 (2) TEU). In these cases the Council may act by qualified majority. This attempt to import an element of the supranational decision-making process into the CFSP through Common Strategies has, however, remained unused.

2.3 The Nature of European Foreign Policy-Making

The current mix of intergovernmental and supranational characteristics present in European foreign policy has induced many debates on the nature of European foreign policy, especially the nature of CFSP. Foreign policy anchored in the CFSP still has, as illustrated throughout this chapter, an inherent intergovernmental nature, despite the fact that its decision-making procedures have evolved from "formalistic and ritualized intergovernmentalism" to include QMV in some cases, and remains, especially in its decision-making processes, distinct from the 'Community' pillar (TONRA & CHRISTIANSEN, 2004, p. 6). Although the CFSP remains intergovernmental at the level of

²⁵ Member states abstaining from voting in the Council cannot prevent a decision from being made and are not obliged to implement Council decisions from which they abstain in the process called constructive abstention. However, should more than one third of the member states abstain from voting on a particular proposal, the decision is not valid (Art. 23 (1) TEU).

formal institutions, given the role the member states play in the European Council and in the Council, “the practices of European foreign policy cooperation which have emerged over the years, and the impact which they have had [...] are not easily captured by this term as traditionally defined in opposition to supranationalism” (JØRGENSEN, 2004b, p. 28). When examining the processes of European foreign policy one can observe the construction of a system that is moving away from formal intergovernmentalism. There are a growing number of political and bureaucratic structures dealing with foreign policy located in Brussels, a process that is increasingly referred to as the Brusselization of European foreign policy. This trend towards Brusselization is characterized by the “evolution of a new atmosphere in which the focus of European foreign policy shifts from the national capitals to Brussels” (NUTTALL, 2005, p. 101). Brusselization occurs as a denationalization of the CFSP, reducing the role of the member states and intergovernmentality, arises through the fact that foreign policy issues are increasingly discussed and decided in Brussels without resorting to the use of the Community methods of the first pillar (MÜLLER-BRANDECK-BOCQUET, 2002, p. 12). Thus, Brusselization is “diminishing the role of the Member States and of intergovernmentalism, and represents a new form of governance of the CFSP” (K. SMITH, 2003, p. 46).

Brusselized elements of European foreign policy are the position of the Secretary-General/High Representative for the CFSP, the permanent presence of the PSC in Brussels, the Policy Unit, and the General Secretariat of the Council. The position of the SG/HR was created in the reforms of the Amsterdam Treaty in order to enhance the effectiveness and visibility of European foreign policy. The functions and responsibilities accorded to this post in the TEU are “deliberately vague” (CAMERON, 2007, p. 48) and “defined [...] in very general terms” (BRETHERTON & VOGLER, 2006, p. 169). As the High Representative of the CFSP, the SG/HR supports “the Council in matters coming within the scope of the common foreign and security policy” by assisting in all stages of the policy process (formulation, preparation, and implementation) and can represent the Council in the conduct of political dialogue (Art. 26 TEU).²⁶ One important aspect of the SG/HR’s tasks is his participation in the Troika. The reconstitution of the Troika formation in the Treaty of Amsterdam to include the Council Presi-

²⁶ In addition to his function as the High Representative for the CFSP, Solana also functions as the Secretary-General of the Council Secretariat. He has, however, been able to delegate the administrative functions of this position to the Deputy Secretary-General and thus focus more on his function as High Representative for the CFSP.

dency, the RELEX Commissioner, and the High Representative, while attempting to ensure the coherence of the intergovernmental and supranational structures of European foreign policy, also represents a step towards weakening the prerogatives of the member states in foreign and security affairs. The replacement of the preceding and succeeding Presidency with Brussels-based actors, i.e. the SG/HR and the RELEX Commissioner, is testament to the trend of Brusselization. Yet, due to the vague formulation of the SG/HR's responsibilities and his subordination to the Council, the functions of this post have "very much depended upon the ability of the first incumbent to develop this role" (BRETHERTON & VOGLER, 2006, p. 169). The only and current SG/HR, Javier Solana (appointed in 1999, reappointed in 2004) has been able to develop a high profile for the post of SG/HR despite the limited mandate accorded to this post. REGELSBERGER (2004) has characterized his term as "gainful for the foreign policy image of the EU" (p. 63). The increased European influence in the Balkans and the enlarged political role of the EU in the Middle East have been largely attributed to Solana's efforts as High Representative. Nonetheless, some Presidencies have sought to limit Solana's influence, while others have promoted him or have defined a complementary role for him (CAMERON, 2007, p. 48). One Council Secretariat official compared his freedom of maneuver as "a dog on the end of a lead, over time the lead has been let out but it is still there and could be pulled up at any time" (BRETHERTON & VOGLER, 2006, p. 169). However, for the most part, the introduction of this post and Solana's ability to proliferate himself as the face of European foreign policy have been regarded as a "success story" and have given European foreign policy a voice and a face (REGELSBERGER, 2004, p. 62).

The Policy Planning and Early Warning Unit was also established in the Treaty of Amsterdam "to support a longer-term approach to European foreign policy" (DUKE & VANHOONACKER, 2006, p. 168). The Policy Unit provides policy advice to the SG/HR and "has become an extended personal cabinet" (CAMERON, 2007, p. 49), making it also a Brusselized element in European foreign policy. According to a Council Secretariat official, the role of the PPEWU, composed of staff from the Council Secretariat, national diplomats, and the Commission, remained initially undefined, because "there was an obsession with whether each Member State would get someone on it rather than what it might do" (BRETHERTON & VOGLER, 2006, p. 170). The work of the PPEWU is to a large extent dictated by the agenda of the SG/HR and the mandates

accorded to him by the Council. The eight Task Forces²⁷ within the PPEWU directly participate in the formulation and definition of the CFSP's strategic priorities by producing 'policy-option papers' and encourage the Presidency or others to place these issues on the agenda. Although the SG/HR and his policy unit press certain issues on the agenda, they do not have the formal right of initiative, and "their impact depends on their capacity to convince the chair and the national delegations to take over their proposals" (DUKE & VANHOONACKER, 2006, p. 168).

The General Secretariat of the Council (also referred to as the Council Secretariat), on the other hand, provides the European Council and the Council with administrative and infrastructural support (Art. 207 (2) TEC). The Council Secretariat is comprised of a legal service and eight Directorate-Generals that organize, coordinate, and ensure the coherence of the Council's work (CHRISTIANSEN, 2002).²⁸ Because the member states were afraid of losing influence to the European Commission, they delegated authority to the Council Secretariat in the field of foreign policy, contributing to the Brusselsization of foreign policy in an attempt to avoid communitarization of CFSP. Next to the organizational activities of arranging rooms for the meetings of the Council's supporting institutions, translating documents, and taking the meetings' minutes, it briefs the Presidency on issues and prepares the agendas and protocols as well as documents such as conclusions, demarches, and Joint Actions (CHRISTIANSEN, 2002; REGELSBERGER, 2004). It also is responsible for the preparation and follow-up of political dialogues and relations between the EU and international organizations such as the UN, OSCE, and NATO. According to REGELSBERGER (2004), "the work of the Secretariat has an important function as the 'memory'" of CFSP and as such can "establish more coherence and continuity in the content of the CFSP" in light of the rotating Council Presidency (p. 74).²⁹ The use of the services provided by the DGs in the Council Secretariat differs according to the size of the member state holding the Presidency (REGELSBERGER, 2004; DUKE & VANHOONACKER, 2006): Due to the limited

²⁷ These are the European Security and Defense Policy (ESDP) Task Force; Mediterranean/Barcelona and Middle East Task Force; Africa Task Force; Eastern Europe and Central Asia Unit (DG E); Asia Task Force; Western Balkans and Central Europe Task Force; United Nations and Latin America Task Force; and the Horizontal Security Affairs, Conflict Prevention and Human Rights Task Force.

²⁸ The Directorate-Generals are DG A Personnel and Administration; DG B Agriculture and Fisheries; DG C Internal market, Competitiveness, Industry, Research, Energy, Transport, and Information Society; DG E External Economic Relations and Politico-Military Affairs; DG F Press, Communication, and Protocol; DG G Economic and social affairs; DG H Justice and home affairs; and DG I Protection of the environment and consumers, health, foodstuffs, and education/youth/culture/audiovisual affairs.

²⁹ DUKE & VANHOONACKER (2006) also underline the Council Secretariat's role as the "institutional memory" of European foreign policy (p. 176).

personnel resources that smaller member states possess, they more frequently rely on the Council Secretariat's services, whereas the larger member states "selectively use" the services of the Council Secretariat or view them as "less important" (REGELSBERGER, 2004, p. 74). In recent years, an "emerging political function" (DUKE & VANHOONACKER, 2006, p. 181) and increased "policy orientation" (BRETHERTON & VOGLER, 2006, p. 173) have been observed in the General Secretariat's work, a development that has materialized with the creation of other Brussels-based actors such as High Representative and the Policy Planning and Early Warning Unit.³⁰

Thus, "Brussels-based players in the foreign policy field have assumed an increasingly pivotal role at the point where national interests are shaped within the European context, whilst national policies are gradually Europeanized" (DUKE & VANHOONACKER, 2006, pp. 179-180). This is because Brusselization is a two-way process that extends beyond national adaption to Brussels, making it "increasingly difficult to draw the line between where national and European aspects of external relations start and stop" (DUKE & VANHOONACKER, 2006, p. 182). Although the main competences still remain with the member states, the officials and services permanently based in Brussels are increasingly leading to Europeanized, Brusselized policy-making and implementation. In addition to this process, one also observes the EU's attempts to control the coexistence of the different legal bases, decision-making systems, and foreign policy competencies, this effort resulting in interpillarisation as Community and Union foreign policies work together to promote European foreign policy and the increased use of cross-pillar policy approaches (MÜLLER-BRANDECK-BOCQUET, 2006, p. 22). These three trends – Brusselization, Europeanization, and interpillarization – are what gives rise to the possibility of labeling foreign policy emanating within the EU as European foreign policy. The tools used in implementing the foreign policy of this multidimensional and multi-faceted system exemplify the interconnectedness of Community, Union, and member state foreign policy that results in cross-pillar policy-making. These policy tools will therefore be examined next.

³⁰ VANHOONACKER & DIJKSTRA (2007) stress that although the Council Secretariat does not have a formal right of initiative, it can and does "draw the Council's attention to certain issues via, for example, strategy and/or policy papers" like it did during the establishment of BAM Rafah in late 2005 or during the Lebanon crisis of 2006 (p. 3). It also plays a "central role" in the drafting of CFSP documents.

3. European Foreign Policy Tools

Foreign policy emanating from the European foreign policy system described above is implemented by a wide assortment of common resources and policy tools, ranging from economic to diplomatic and military instruments. According to the current Commissioner for External Relations and ENP, Benita Ferrero-Waldner, this extensive toolbox makes the EU a unique international actor, because “there is hardly any other political actor in possession of such a wide spectrum of instruments” (FERRERO-WALDNER, 2005b). Among these unique instruments are, for example, the conclusion of agreements with third countries, granting trade preferences, the conditional offer of EU membership, political dialogue with regional groupings, ESDP missions, etc. Ferrero-Waldner’s predecessor, Chris Patten, and the High Representative for the CFSP, Javier Solana, vocalize this viewpoint as well: “The Union also is the only institution capable of comprehensive action, ranging from trade, economic reform and infrastructure, humanitarian assistance, human rights and democratization, justice and police to crisis management and military security” (SECRETARY GENERAL/HIGH REPRESENTATIVE & EUROPEAN COMMISSION, 2000, n.p.). This repertoire of policy tools, however, extends beyond those available in the provisions of the TEU. As M.E. SMITH (2005) comments, “the EU has managed in many cases to do more than we might otherwise expect by a reading of EU treaty documents” (p. 157). This is due to the cross-pillar policy coordination that is common in European foreign policy, allowing tools of Community foreign policy to implement Union foreign policy objectives. Funds have also been moved across budgetary lines, national contributions to foreign policy have been arranged on a case-by-case basis, and new informal rules have been created to handle situations in which a breakdown between policy formulation and implementation occurs.

The creativity used in deploying European foreign policy tools stems from the fact that these are anchored in the various subsystems of European foreign policy, and EU institutions and the member states must find ways to bridge these divides in implementing policy. Through creative solutions and institutional innovations, the member states have been able to broaden the spectrum of European foreign policy tools. In fact, the lack of policy tools is no longer considered the main challenge to the effective implementation of foreign policy; instead, “the EU’s main problem in foreign policy implementation is not so much the lack of effective instruments, but in [...] finding the will to use those instruments in a strategic, coherent fashion” (M.E. SMITH, 2005, pp. 161-

162). The following sections therefore highlight the various instruments and tools available for the implementation of European foreign policy. Due to the fact that these fall within the competence of either Community foreign policy or Union foreign policy, they will be analyzed accordingly. Being as member state tools overlap with those available to Community and Union foreign policy and are to a large extent the tools used to implement European foreign policy through these subsystems, they will not be analyzed separately.

3.1 Community Foreign Policy Tools

The "real strength" of European foreign policy can be found in its economic tools primarily located under EC competence (M.E. SMITH, 2005, p. 164). On account of its foreign economic policy, the EC has important and significant foreign policy instruments at its disposal. In fact, first pillar instruments "make up 90 per cent of the foreign-policy toolbox at the EU's disposal" (CAMERON, 2007, p. 57). The sheer fact of being the world's largest trading bloc bestows the EU with considerable influence in international affairs. Thus, EC actions can be of political nature without the influence of CFSP, and, in consequence, an important part of European foreign policy. In fact, the "two [...] most powerful foreign policy instruments" of European foreign policy fall within the competence of the EC: the ability to negotiate agreements with third countries (TEC Art. 229-231) or other international organizations (TEC Art. 238) and the provision of financial assistance to third countries (K. SMITH, 2003, p. 53). Nevertheless, the foreign economic instruments of the EC (see Table 2 below) are not always utilized to supplement, complement, or even implement foreign policy decisions (H. SMITH, 2002, p. 116).

Table 2 The EU's Economic Instruments

Positive Measures	Negative Measures
Conclusion of trade agreement	Embargo (ban on exports)
Conclusion of trade and cooperation agreement	Boycott (ban on imports)
Conclusion of association agreement	Delaying conclusion of agreements
(all of the above on more or less favourable terms)	Suspending or denouncing agreements
Tariff reduction	Tariff increase
Quota increase	Quota decrease
Granting inclusion in GSP	Withdrawing GSP
Providing aid	Reducing or suspending aid
Extending loans (on more or less favourable terms)	Delaying granting of successive loan tranches

Source: taken from K. SMITH, 1998, p. 72; 2003, p. 60.

Other foreign policy competences falling within the remit of the EC such as the offer of EU membership, the conclusion of agreements, the provision of financial assistance and humanitarian aid, the promotion of regional cooperation, and providing electoral support are therefore highlighted in the following pages.

3.1.1 Agreements with Third Countries

EU contractual ties constitute “the core of EU foreign policy” (TOCCI, 2005b, p. 4). The vast array of agreements between the EC and its member states and third parties cover various aspects ranging from political relations and development and cooperation assistance to trade, research and cultural cooperation. The decision to enter into an agreement with a third party or a regional actor is made mainly – although not always immediately obvious – for political reasons, and the type of agreement becomes, thus, an important political decision. Agreements concluded under the first pillar can be distinguished between trade agreements (Art. 133 TEC), association agreements with overseas countries and territories (Art. 182-188 TEC), general association agreements (Art. 310 TEC), accession treaties (Art. 49 TEU), and Europe agreements (not treaty-based). Such agreements can take the form of bilateral EC agreements or mixed agreements, to which both the Community and the member states are party. Mixed agreements are common in issues in which national and EU competences overlap and were developed in order to combine the competencies of the Commission and the member states in areas not governed by the EU treaties; however, mixed agreements are regularly employed in areas of autonomous Community action (i.e. association) as well (PERNICE & THYM, 2002, p. 372). POCAR (2002) observes that although the “role of Member States should be limited to areas that lie outside the exclusive power of the Community, [...] in reality [mixed] agreements are favoured by States to further their interests” (p. 14). According to MONAR (2000), “member states are quite successful in finding in many international agreements at least some elements which fall outside exclusive Community competence and justify their participation, thereby stunting the uses of exclusive Community competence” (p. 220). This ‘mixture’ (or the practice of signing mixed agreements) is thus “a characteristic feature of European foreign policy” (PERNICE & THYM, 2002, p. 372) and “has become part of the daily life of the EC’s external relations” (LEAL-ARCAS, 2001, p. 485). Because of the hybrid character of European foreign policy, the practice of using mixed agreements therefore “offers a telling illu-

stration of the complex nature of the EU and the Communities as an international actor” (LEAL-ARCAS, 2001, p. 487).

With respect to foreign policy, trade, trade and cooperation (TCA), partnership and cooperation, and association agreements “have been increasingly used as foreign policy instruments” (K. SMITH, 1998, p. 73). Trade agreements generally provide schedules for lifting trade restrictions on imports and are as such fairly limited in scope; therefore, they are rarely concluded today (K. SMITH, 2003, p. 53). TCAs, on the other hand, range from the opening of markets to the conscious setting of political signals (PFETSCH, 2005, p. 260). They generally entail measures for cooperation on economic and commercial matters and the liberalization of trade, but they also can establish a framework for dialogue, including dialogue on CFSP and JHA issues. Association agreements explicitly signalize a privileged partnership and include measures on trade and cooperation in a wide variety of sectors as well as preferential market access (i.e. through the extension of the customs union or the internal market). They also often include protocols specifying financial aid (i.e. EC aid or EIB loans) and even occasionally the prospect of membership. Association agreements also establish association councils and committees that meet regularly to discuss political and economic issues of importance to the relationship (this can include highly politicized issues) and are responsible for implementing the provisions of the agreements (K. SMITH, 2003, pp. 53 ff.). Because association and cooperation agreements often include a chapter on political dialogue, the majority of such have been concluded as mixed agreements.

Today, framework agreements that include economic, political, and security issues are increasingly used to structure the EU’s most important foreign policies and to provide for political dialogue between the treaty signatories. Such agreements typically outline the main political objectives and fundamental principles of cooperation and are complemented by detailed agreements in specific policy fields; in this case, “trade agreements often form the centrepiece of these dialogues, and this incentive encourages non-EU states to accept other political goals important to Europe, particularly democracy, respect for the rule of law, and human rights” (M.E. SMITH, 2005, p. 168). Examples of framework agreements include association agreements for the accession countries (i.e. the Europe Agreements), the Stabilization and Association Process for the Balkans, the Euro-Mediterranean association agreements, the ACP-EU partnership agreement, or the PCAs with the countries of Eastern Europe, the Caucasus, and Central Asia. According to M.E. SMITH (2005), “[t]his capacity to ‘package’ all EU external policies

toward an important outside actor into single comprehensive deals may be far more important for the EU's global power than the implementation of any single policy area alone, although the EU has yet to fully exploit this capability" (p. 168).

Political conditionality has become a required feature of all EU agreements with third parties and thus "an integral aspect of the EU's foreign relations" (K. SMITH, 1998, p. 73). This principle "entails the linking [...] of perceived benefits [...] (such as aid, trade concessions, cooperation agreements, political contacts, or international organization membership) to the fulfilment of conditions relating to the protection of human rights and the advancement of democratic principles" (K. SMITH, 1997, p. 6). Positive measures of conditionality can include the promise of benefits if conditions are fulfilled, whereas negative conditionality entails the reduction, suspension, or termination of benefits in the case of condition violations. As an approach conditionality is "without doubt unique" to European foreign policy (HILPOLD, 2002, p. 359). The inclusion of human rights and democracy in political conditionality gained prominence after 1991, when the protection of human rights was elevated to a central component of EC external relations, and the necessity of introducing positive and negative measures in reaction to human rights violations in third countries became a priority (EUROPEAN COUNCIL, 1991a; COUNCIL, 1991). Consequently, since 1995 all association and development cooperation agreements contain 'human rights clauses' stipulating that the respect for human rights is an 'essential element' in the relations between the parties and provide for a suspension mechanism (EUROPEAN COMMISSION, 1995a; COUNCIL, 1995c); "however, the principal rationale for the clause is to form a positive basis for advancing human rights in third countries through dialogue and persuasion" (EXTERNAL RELATIONS WEBSITE, 2006). The 'human rights clause' is thus the legal basis for exerting political conditionality. When the principles of the clause are breached, the EU may implement a variety of punitive measures according to the non-execution article of agreements, the pinnacle of which is the suspension of an agreement. In general, political conditionalities and sanctions are more explicit the greater the level of established political cooperation. As such, these clauses "constitute the main instrument to promote the political objectives" outlined in Article 177(2) TEC, i.e. the consolidation of democracy and rule of law as well as the respect for human rights and fundamental freedoms (GRILLER & WEIDEL, 2002, p. 12). Because the EU views positive conditionality as a more effective method with which to wield influence, no agreement has been suspended or denounced on the ground of violations of these clauses; however, there have

been cases of aid being reduced or suspended (K. SMITH, 2003, p. 112).³¹ The inclusion of the human rights clause in agreements is instead more “a means to upgrade human rights and democracy into acceptable subjects of political dialogue” (TOCCI, 2007, p. 11).

3.1.2 The Offer of EU Membership

The prospect of EU membership is the “single most important policy instrument of all” and an all-encompassing policy tool that spans the pillars (WHITE, 2001, p. 57). As the main means of spreading prosperity, democracy, and security in the EU’s immediate neighborhood, the EU views the extension of its norms, rules, opportunities, and constraints as a way to counter instability and conflict at its periphery. It has often used the promise of membership “to influence the domestic and foreign policies of membership aspirants and encourage political and economic reforms, which are seen as necessary to ensure security in Europe” (K. SMITH, 2005, p. 271). From the candidate countries’ perspective, EU membership is a way to foster economic development and to achieve political stability or even national security. Thus, the prospect of EU membership has so far ensured a smooth transition from dictatorship to democracy in Greece, Spain, and Portugal in the 1980s, transformed the former Communist countries of Eastern Europe into (more or less) liberal democracies during the 1990s, has assisted in the stabilization of the Western Balkans following years of conflict in the 1990s, and has induced large changes in Turkish politics, economics, and society as Turkey seeks to increase its chances of accession. Especially the Eastern enlargement of the EU was “influenced by explicitly political objectives that aim[ed] to reshape political order in Europe” (SJURSEN & SMITH, 2004, p. 126).

The conditions for EU membership have evolved over the years from merely being a “European state” as stipulated by the Treaty of Rome in Article 237 to any European state that respects the principles of the EU set out in Article 6 (1) TEU, these being “liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law” (see Art. 49 TEU). What ‘European’ is has, however, not yet been explicitly defined. Furthermore, the European Council explicitly articulated additional conditions for membership at the Copenhagen summit in June 1993. According to these criteria, membership candidates must have a functioning market economy and stable institutions that guarantee democracy, the rule of law, human rights, and respect for and protection

³¹ For a comprehensive review of the use of human rights clauses in external agreements see MILLER, 2004.

of minorities as well as the ability to fulfill the obligations of EU membership and adhere to and adopt the *acquis communautaire* (PRESIDENCY CONCLUSIONS, 1993a, p. 13).³² The EU also added good-neighborliness, i.e. the settlement of disputes, to its catalogue of membership conditions in 1999 (PRESIDENCY CONCLUSIONS, 1999, para. 4). In addition to these criteria for applicant states, the European Council also set internal conditions for the EU with respect to enlargement: the EU must be able to absorb the new members and maintain integration efforts (i.e. simultaneous widening and deepening). The external and internal consequences of enlargement thus highlight the EU's enlargement policy (i.e. the prospect of membership as a foreign policy tool) as a "form of foreign policy that develops in a world where the domestic and international spheres have become increasingly intertwined" (SJURSEN & SMITH, 2004, p. 127).³³

As the patron and mentor of transformation in states aspiring membership, the EU "has made extensive use of both carrots and sticks [...] turning its soft power of attraction into quite coercive – though still civilian – power" (K.SMITH, 2005, p. 271). Conditionality has therefore become the "main pillar of EU enlargement governance" (STEUNENBERG & DIMITROVA, 2007, p. 2). As the heart of the EU's enlargement policy, conditionality has developed into "a dynamic policy instrument" not only used to ensure that membership candidates are prepared to take on the responsibilities of EU membership by imposing political and economic conditions on applicants, but also used to "reassure existing members that the liberal values, interests and standards of the EU are protected [...] and] will not be undermined by the new member states" (BARNES & RANDERSON, 2006, p. 352 & 353). As such, the prospect of EU membership is the driving force for aspirant states to implement a wide range of EU-driven domestic reforms in the economic and political sector. If candidate states fail to progress with reforms along EU lines, conditionality requires "the withdrawal of benefits of accession and halting or slowing down the process" (STEUNENBERG & DIMITROVA, 2007, p. 3). Beyond encouraging the implementation of the *acquis*, the EU also criticizes domestic political processes and outcomes as well as foreign policy choices while simul-

³² The Commission has stated that there are three basis conditions for EU membership: European identity, democratic status, and the respect for human rights (EUROPEAN COMMISSION, 1992, p. 11). Additional criteria, such as the acceptance of the *acquis*, a functioning and competitive market economy, and the acceptance and implementation of the CFSP, were suggested by the Commission at the Lisbon European Council in June 1992 (EUROPEAN COMMISSION, 1992, p. 11).

³³ The fulfillment of the conditions for membership is closely monitored by the EU. Once the states seeking EU membership direct their membership application to the Council, it proceeds in determining if the political and economic conditions to begin membership negotiations are met by the applicant countries. This is, in fact, a long process that can last years, in which the Commission verifies that the membership conditions are being fulfilled and monitors the adoption of the *acquis* in the candidate countries.

taneously expressing its preference for certain changes. EU demands have not always been met with compliance on the side of the applicant state, "but the extent to which they [are] is still striking – and [has] contributed to the view that membership conditionality is the EU's most powerful foreign policy instrument" (K. SMITH, 2005, p. 279).

The 2004 enlargement has been widely regarded as "a success for EU external policy" (BRETHERTON & VOGLER, 2006, p. 138). Nevertheless, signs of enlargement fatigue such as the decline in public support for enlargement and the waning political will of the member states with regard to future enlargements as well as the failure of the Constitutional Treaty have emerged in recent years, questioning the future of EU enlargement (see RACHMAN, 2006). Still, "the success of [enlargement] continues to exert a magnetic pull on the Union's neighbors", making the main challenge of European foreign policy in the years to come its management of relations with the EU's new non-candidate neighbors to its east and south, many of which have expressed their desire to join the EU (STEUNENBERG & DIMITROVA, 2007, p. 2). Therefore, the EU adopted the European Neighborhood Policy in 2004 to address its future relations with its new neighbors and to strengthen prosperity, stability, and security inside the EU and in 'Wider Europe' (EUROPEAN COMMISSION, 2003a; EUROPEAN COMMISSION, 2004b). The ENP "represents a new approach in the EU's relations with its neighbours", the central element of which is the bilateral Action Plans between the EU and each partner setting out an agenda of political and economic reforms with short and medium-term priorities (DROR & PARDO, 2006, p. 22): Instead of membership, the ENP offers deepened political, security, and cultural cooperation as well as economic integration, in essence a privileged partnership, which consists of partner countries' participation in some of the EU internal policies and programs and, ultimately, a stake in the EU's Internal Market as ENP partners implement reforms. Thus, for partner countries, ENP could lead to "everything but the institutions" of the EU (BRETHERTON & VOGLER, 2006, p. 149). In order to reach this stage, partners must fulfill conditions such as strengthening common values (e.g. the rule of law, democracy and the respect for human rights), promoting market-oriented economic reforms, and cooperating on foreign policy objectives like counterterrorism and the non-proliferation of WMD. ENP remains mum on the future prospect of EU membership for partners and is problematic in the sense that it applies to both countries that may one day be able to join the EU and those that will never accede. It, thus, remains to be seen if this policy is as successful as the prospect of full EU membership in fostering political and economic

reform in the EU's neighborhood. K. SMITH (2005) argues that the EU's influence is limited in light of the lack of membership prospects, contending that "[f]ar too little is on offer, both to encourage democracy, economic reform and so on from the 'bottom up', and to try to force governments to comply with political and economic conditions" (p. 288).

3.1.3 Financial Assistance and Humanitarian Aid

Another major area of Community foreign policy is the provision of financial aid. A legal basis for the provision of financial aid was not explicitly present in the Rome Treaty, and, in consequence, the granting of financial assistance rests on various legal bases and stems from various budgetary sources. This state of affairs, according to K. SMITH (2003), "reflects the incremental development of the EU's relations with countries in need of aid, and the lack of an overall strategy towards them" (p. 35). Increasingly criticized for its disarray, numerous regulations and resolutions, fraud and mismanagement of aid, the Commission has struggled to overhaul and reform its foreign aid policy (SANTISO, 2002). Despite the many problems surrounding EU aid, the EU (, i.e. the member states and the Commission) is the largest donor of financial assistance in the world (EUROPEAID WEBSITE, 2007). Since becoming a Community policy with the adoption of the Maastricht Treaty, EU foreign aid "has become increasingly political and politicized" (SANTISO, 2002, p. 411). Financial assistance, when linked with political incentives, can be a powerful lever of change in third countries and has become "[t]he EU's first and perhaps most prominent economic carrot for foreign policy" (M.E. SMITH, 2005, p. 165). EU aid has thus been increasingly allocated to support political and diplomatic initiatives, provide incentives, foster stability in times of political transition, safeguard human rights and democratic processes, and facilitate economic and social development. In fact, EC aid has become "politicized" as "overtly political objectives" such as human rights and democratic principles have been included and has become "more focused on issues of 'governance'" (HOLDEN, 2003, p. 350). As with most other aspects of European foreign policy, conditionality is also a prominent feature of aid policy, and the disbursement of financial assistance is conditional on democracy, good governance, and the rule of law as well as the strengthening thereof in the target states.

EU financial assistance has undergone many changes since the Treaty of Maastricht came into force in 1993. Up until 1998 all aid-related issues were handled in the re-

spective DGs within the Commission. The main characteristic of European aid after the end of the East-West conflict was its compartmentalization along geographical lines and the promotion of specific EU goals rather than development in general (HOLDEN, 2003, p. 347). Aid to ACP, ALA, MED, and CIS states was governed by separate agreements and issued through various geographical programs, the responsibility for which was divided between DG RELEX and DG DEV. Due to the quick growth of these programs in the 1990s, the Commission had difficulty managing them as well as implementing aid in a timely and effective manner. The first attempt to eradicate these problems was the creation of the SCR in 1998, which was established to handle the implementation and evaluation stages of the project cycle, leaving programming, identification, appraisal, and the financing decision under the responsibility of the DGs. This solution led to unclear responsibilities and did not contribute to the effectiveness of aid delivery. Beginning in 2000 the Commission embarked on a major overhaul of external assistance in an attempt to clarify responsibilities and streamline procedures. For this purpose, the EuropeAid Cooperation Office replaced SCR in January 2001 and now manages all stages of the project cycle with the exception of the programming stage, which remains under the remit of DG RELEX and DG DEV (EUROPEAN COMMISSION, 2000b). Other important aspects of this reform were the deconcentration of external assistance management to the Commission's external delegations and a renewed focus on the quality and consistency of programming to reflect the EU's policy objectives and priorities by basing assistance on multi-annual Country Strategy Papers subject to control by an inter-service quality support group.

Another important change in EU external assistance was the reduction of the number of instruments used to finance external activities. Before the most recent changes in external assistance in late 2006, European financial aid was distributed through more than 30 different legal instruments. The instruments varied between sectoral instruments such as food security, NGO co-financing, the European Initiative for Democracy and Human Rights, or the Rapid Reaction Mechanism and geographical programs such as, among others, MEDA, TACIS, PHARE, or CARDS.³⁴ CFSP instruments such as

³⁴ MEDA was the principal financial instrument of the EMP that provided technical and financial support to facilitate the economic and social structure reform in the EU's Mediterranean partner states through bilateral funding directed to support economic transition and to strengthen the socio-economic balance as well as through resources allocated to regional and multilateral cooperation activities (see COUNCIL, 1996e; COUNCIL, 2000c). TACIS was the EU's instrument for financial assistance to Russia and the EU's eastern neighbors, whereas PHARE was the main financial instrument of the pre-accession strategy for the applicant states of Central and Eastern Europe. CARDS provided Community assistance to the

Joint Actions also provided for financial assistance to third parties (EUROPEAN COMMISSION, 2005a, p. 25). In the newest financial perspective (2007-2013) (see Table 4 below), the EU attempted to streamline these various financing instruments according to its policies. The former geographical programs are now defunct, replaced in part by the European Neighborhood Policy Instrument (ENPI), which distributes aid to the ENP partners³⁵, the European Development Fund (EDF) which covers aid for ACP countries and the overseas countries and territories of the member states, the Development Cooperation Instrument (DCI) directed towards South Africa and developing countries not already covered by the ENPI or EDF in Asia, Latin America and the Middle East, and the Instrument for Pre-Accession (IPA) covering aid to candidate countries in the Western Balkans and Turkey (see Table 3 below).

Table 3 New Financial Instruments for EC external assistance, 2007-2013

<i>Instrument</i>	<i>Coverage</i>	<i>Legal Basis</i>	<i>Replaces</i>
Tenth EDF (2008-2013)	Africa, Caribbean and Pacific and Overseas Countries and Territories	Cotonou Agreement	Ninth EDF
DCI	Asia, Latin America, some CSI, South Africa; five thematic budget lines	Regulation (EC) No. 1905/2006	ALA, TACIS, ten thematic budget lines
IfS	Crisis response and preparedness; global challenges	Regulation (EC) No. 1717/2006	Rapid Reaction Mechanism
EIDHR	Democracy, rule of law, human rights	Regulation (EC) No. 1889/2006	Previous EIDHR regulation
IPA	Western Balkans, Turkey	Council Regulation (EC) No. 1085/2006	PHARE, ISPA, SAPARD, CARDS, Turkey pre-accession
ENPI	Mediterranean, Eastern Europe, Caucasus, Russia, the Middle East	Regulation (EC) No. 1638/2006	MEDA and TACIS
ICI	Cooperation and exchange programs	Council Regulation (EC) No. 1717/2006	Previous ICI regulation
INSC	Nuclear Safety	Council Regulation (EURATOM) No. 300/2007	Part of TACIS regulation

Source: adapted from CARBONE, 2007, p. 36; see also EUROPEAID WEBSITE, 2007, and relevant regulations.

countries of South-Eastern Europe participating in the stabilization and association process with the European Union.

³⁵ Countries eligible for financial assistance from this instrument are, according to the regulation creating the ENPI, the ENP partners (Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Palestinian Authority of the West Bank and Gaza Strip, Russian Federation, Syria, Tunisia, Ukraine) (EUROPEAN PARLIAMENT & COUNCIL, 2006a).

In addition to these new geographically-oriented instruments, the EU continues to deliver financial support through regional and country-specific approaches as stipulated by its bilateral relations (association agreements, ENP action plans, bilateral dialogue) but also through sectoral programs with a global reach that cover issues such as the support of non-state actors and local authorities in development, food security (FSTP), health, migration and asylum, environment and natural resources (ENRTP), and gender issues, programs that also support assistance within the new geographical instruments (EUROPEAID WEBSITE, 2007). The new financial perspective also specified three new thematic financing instruments that are to help the EU pursue its foreign policy objectives: the new European Instrument for Democracy and Human Rights (EIDHR) provides financial support for the promotion of democracy and human rights (see EUROPEAN PARLIAMENT & COUNCIL, 2006d); the Instrument for Stability (IfS) aims to address crisis situations and to contribute to stability by effectively responding to situations of crisis and reestablishing stable conditions, by helping strengthen the capacity to address threats with a destabilizing effect, and by ensuring the preparedness of state and non-state actors as well as international and regional organizations in addressing crisis situations (see EUROPEAN PARLIAMENT & COUNCIL, 2006b); and the Instrument for Nuclear Safety Cooperation (INSC) provides for assistance to support nuclear safety, radiation protection, and the application of efficient and effective safeguards for nuclear material in third countries (see COUNCIL, 2007a).

Humanitarian aid, on the other hand, is allocated and managed primarily through the EC Humanitarian Office that was established in 1992 within the Commission. It is a separate agency that is limited to the provision of emergency assistance, relief, and protection operations to the victims of natural disasters or armed conflicts outside of the EU, which is subsequently implemented through third parties such as the UN or NGOs. The decision to provide humanitarian assistance stems from the Commission, who acts on its own initiative or responds to the requests of international organizations, NGOs, member states, and/or beneficiary countries. Humanitarian aid is delivered on the basis of need and is therefore not subject to political considerations. By providing humanitarian aid, the EU aims to save and preserve the lives of and to provide relief to those affected by emergency situations such as natural disasters or armed conflicts as well as displaced persons – during and in the immediate aftermath of such humanitarian crises. The EU also seeks to finance the transport of aid to these regions and to carry out rehabilitation and reconstruction projects necessary for adequate and effective aid delivery.

ECHO grants tackling these challenges come from the Commission budget, except in the case of emergency relief for ACP countries, which comes from the EDF, and cover both short-term and long-term emergency aid, food aid, and aid to refugees and displaced persons. Within the new financial perspective, emergency food aid has been incorporated into ECHO's remit. If necessary, the Commission may also ask the EP and the Council to increase funding by mobilizing the reserve for emergency aid. Assistance stemming from ECHO grants provides among other things medical equipment and supplies, food, tents, generators, and fuel. ECHO funds are also used to purchase any product or material needed to implement humanitarian actions; this can range from the funding of external personnel to the construction of housing and shelter as well as any activity that facilitates the distribution of aid or access to those in need of aid. ECHO financial support is provided as long as it takes to confront and satisfy the humanitarian needs of the population in question (See EUROPEAN COMMISSION WEBSITE, 2004; COUNCIL, 1996f).

3.1.4 Promoting Regional Cooperation

Europe began promoting regional cooperation and the creation of regional organizations in the 1960s, when it linked a number of African colonies together during the formulation of the Yaoundé conventions. Since the end of the East-West conflict and in light of increasing regionalization tendencies across the globe, this trend has continued: "Whenever new regionalisation tendencies emerged [...], the EU showed interest in supporting them as a means of stabilizing international relations" (ALECU DE FLERS & REGELSBERGER, 2005, p. 324). In fact, the "promotion of regional cooperation is clearly one area where the EU stands out internationally" (K. SMITH, 2003, p. 85), thus becoming a "cornerstone" of European development policy (EUROPEAN COMMISSION, 1995b, p. 7). Being a project in regional cooperation and integration in and of itself, the promotion of regional cooperation is a European foreign policy objective that is derived from the nature of the EU. Although its model of regional cooperation and integration is difficult to export to others, especially in light of the fact that the conditions for such integration are lacking in many countries – an insight the Commission shared in its 1995 Communication on Community support for regional economic integration (see EUROPEAN COMMISSION, 1995b, p. 8), the EU encourages regional

cooperation activities out of the belief that such cooperation is “an effective means of prosperity, peace and security” (EUROPEAID WEBSITE, 2007).³⁶

Although the EU has extensive bilateral relations with third countries, K. SMITH (2003) argues that it “prefers to deal with third countries collectively: it lays out regional strategies, sets up aid programmes on a regional basis, and concludes specific kinds of agreements with countries in a particular region” (p. 69). The manner in which the EU pursues regional cooperation has greatly depended upon the circumstances and actors present in the region at which it directs such activities. In general, the EU follows two strategies: On the one hand, the EU actively supports and engages in dialogue with existing regional groupings, examples of which are the Andean Community, ASEAN, Mercosur, or the GCC. On the other hand, the EU launches and manages regional cooperation initiatives in places where no efforts towards this have been pursued by local actors by classifying neighboring countries together under regional strategies such as in the EMP. In doing so, the EU becomes “the motor of the regional cooperation, defining priorities and the scope of cooperation” (TASSINARI, 2006, p. 4). This practice – grouping countries together on a regional basis – “is a striking and unusual feature of [EU] foreign relations” (K. SMITH, 2003, p. 69).

In encouraging regional cooperation, the EU utilizes policy tools such as economic assistance, cooperation or framework agreements, group-to-group dialogue, and conditionality (see K. SMITH, 2003, pp. 86-93). With regard to economic assistance, most of the EU's financial aid programs for geographic areas allocate funds for regional cooperation initiatives and programs and internal reforms aimed at increasing the propensity of regional interaction. Cooperation and framework agreements are used in two ways: When dealing with regional groupings (such as ASEAN, GCC, Andean community, etc.), the EU concludes bloc-to-bloc cooperation agreements, a practice that the EU maintains “contribut[es] to the reinforcement of regional identity and of the regional institutions” (EUROPEAN COMMISSION, 1995b, p. 18). In many cases a bloc-to-bloc cooperation agreement is the only link the EU has with the members of these regional groupings, as is the state of affairs with the ACP, Andean Community, ASEAN, Central American community, and the GCC (K. SMITH, 2003, p. 88). Most of the EU's agreements that encourage regional cooperation, however, are bilateral, the content of which is similar for countries that the EU has grouped together as a region, as is

³⁶ To this effect the EUROPEAN COMMISSION (1995b) states, “[t]he efforts of the EU to promote and support regional integration among developing countries should not at all be interpreted as an attempt to ‘export’ the European integration model” (p. 8).

the case with the Euro-Mediterranean Association Agreements, Europe agreements, the PCAs with the states of the former Soviet Union, or the SAAs with the states of Southeastern Europe. Often, conditions promoting regional cooperation between the states of the 'region' are included in these agreements. To encourage regional cooperation, the EU proffers incentives such as the offer of a free trade area or granting concessions within the generalized system of preferences (i.e. cumulation of rules of origins). Although the EU has been generally reluctant to elevate regional cooperation to a condition for receiving EU aid, establishing dialogue, or entering into an agreement, there have been prominent exceptions to this rule, especially in the case of the states of Southeastern Europe (K. SMITH, 2003, p. 92). An additional method with which the EU encourages regional cooperation is group-to-group dialogue covering both economic and political issues. The format and level as well as the intensity of such dialogues varies depending on the importance the EU accords them. These dialogues are often not primarily engaged in to discuss the state of regional cooperation but do encourage it "in that they spur the regional grouping to collaborate and cooperate before, during and after meetings" (K. SMITH, 2003, p. 89). Yet, the EU does establish multilateral political dialogues to encourage regional cooperation between states that are not engaged in a formal regional grouping, such as the Euro-Med dialogue or the now defunct dialogues with the Visegrad group (Czech Republic, Poland, Hungary, Slovakia) or the three Baltic republics (Lithuania, Latvia, and Estonia). Such dialogues aim to promote region-wide cooperation as well as EU cooperation with the participants of the dialogue. This reliance on legal frameworks to support regional groupings or to encourage cooperation within regions lacking cohesive groupings thus exemplifies the "unique aspects" European foreign policy (K. SMITH, 2003, p. 95).

3.1.5 Electoral Support

Electoral support is a "vital component" of the EU's policy of promoting human rights and democratization throughout the world and includes the provision of material and technical assistance to electoral authorities as well as the deployment of EU election observation missions (EOM) (EXTERNAL RELATIONS WEBSITE, 2007a). Election assistance involves, according to the Commission's 2000 Communication on EU election support, helping local electoral authorities establish a legal framework for elections, providing voting material and equipment, assisting in the registration of parties and voters, training local observers and journalists, and supporting NGO and civil society ef-

forts in voter and civic education (EUROPEAN COMMISSION, 2000a, p. 4). The political component of election assistance is election observation, a process in which information on the election process is gathered and an informed judgment on this process is made. As such, election observation missions aim to legitimize the electoral process and also can enhance transparency and public confidence in the process as well as deter fraud, strengthen the respect of for human rights, and act as conflict prevention mechanisms (EUROPEAN COMMISSION, 2000a, p. 4-5). The Commission particularly stresses the role of election observation in reinforcing European foreign policy objectives such as peace-building in addition to democracy promotion and the respect for human rights and the rule of law (EXTERNAL RELATIONS WEBSITE, 2007a).

Whereas the EU spends considerably more in supporting elections, its EOMs are often “the most visible part of the EU’s efforts to promote democracy abroad” (MEYER-RESENDE, 2006, p. i). EOMs do not just observe election day activities, but the whole election process (pre-election, election day, and immediate post-election activities) and thus assess the state of democratic development in a country. In doing so, the missions analyze the political context of the election, including the state’s election laws and regulations, media coverage, the post-election process, polling and vote counting, in order to determine if the election was carried out in a democratic manner. EOMs thus have a long-term presence, based on an invitation by the authorities of the state in question. Nevertheless, the EU has certain minimum standards that must be met before it considers deploying an EOM and carefully selects these to complement other human rights and democratization activities (see Annex III of the 2000 Commission Communication). A top consideration is also what the mission can bring to the election process in the sense that an EU EOM can enhance transparency and confidence in the electoral process.

In the past, electoral assistance was pursued exclusively under the first pillar with funding coming from this pillar (either within development cooperation or human rights budget lines), whereas electoral observation fell either under the first or the second pillar with funding either from the EC or the CFSP or a combination of both with occasional contributions from the member states. EU EOMs undertaken as CFSP activities (based on Joint Actions) were deployed to Russia (1993), South Africa (1994), Palestine (1996), Bosnia-Herzegovina (1996, 1997, 1997), and Nigeria (1999). Yet, funding was not always from the second pillar; for example, the missions to Russia and South Africa were funded under the first pillar, and the other three missions mentioned above were

combined with complementary Community actions (EUROPEAN COMMISSION, 2000a). In its reform of election support procedures beginning in 1999, the Council adopted Regulations 975/1999 (amended by Regulation 2240/2004) and 976/1999, transferring the CFSP election budget line to EIDHR and ensuring that all election assistance and observation will be funded under the first pillar (COUNCIL, 1999a; 1999b; EUROPEAN PARLIAMENT & COUNCIL, 2004). Country-specific funding is allocated through the geographical cooperation instruments, whereas funding for thematic actions such as civic and voter education is allocated from the EIDHR budget. In emergency situations, the RRM (now replaced by the IfS) also was a source of electoral support funding. The decision to provide electoral assistance and to send EU observers is taken on the basis of a Commission proposal, although EOMs may be deployed by the Commission in the context of cooperation or association agreements or under CFSP provisions (DEVELOPMENT COUNCIL, 2001, p. 23). Regardless of the context in which they are implemented or deployed, the Commission is responsible for organizing both election assistance and observation missions, which are made up of experts and observers from the member states.

3.2 Union Policy Tools

In addition to the policy tools employed under Community foreign policy, the EU – within the CFSP/ESDP framework – has many diplomatic tools that it utilizes in pursuit of its foreign policy objectives. Table 4 below provides an overview of these tools at the EU's disposal.

Table 4 The EU's Diplomatic Instruments

Démarches	Sending special envoys
Declarations/statements	Sponsoring peace conferences
High-level visits	Sending cease-fire monitors
Supporting action by other international organizations	Administering a foreign city
Diplomatic sanctions	Sending election observers
Diplomatic recognition	Sending civilian experts
Political dialogue	Imposing arms embargoes
Making peace proposals	Offering EU membership

Source: K. SMITH, 1998, p. 70; 2003, p. 61.

With the exception of the offer of EU membership, the EU's perhaps most powerful policy tool to encourage economic and political reform, and in some cases the deployment of election observers, the decision to employ the tools listed in Table 4 above is taken within the CFSP. Nonetheless, the EU does not have exclusive competence over

the use these diplomatic tools; therefore, they are not 'common' policy tools. Most of the policy tools listed above can also be by used by the member states unilaterally, and in a great number of instances the EU must depend on the resources of the member states to effectively implement its policies using these tools. More specifically, these tools are national tools put at the CFSP's disposal by the member states, in particular by the member state serving as Council president. That being said, the following section examines Union foreign policy tools such as CFSP instruments, declarations and demarches, political dialogue, sanctions, the use of special representatives, and ESDP missions.³⁷

3.2.1 CFSP Instruments

In order to expand the systematic cooperation on foreign policy issues that was common under EPC and to increase foreign policy cooperation, the Maastricht and the Amsterdam treaties created new mechanisms to pursue EU foreign policy objectives within the realm of Union foreign policy: joint actions, common positions, and common strategies. Joint actions are "the most intensive form of member state cooperation in the CFSP framework" (BURKHARD, 2001, p. 67; SCHRÖDER, 2006, p. 149). This instrument "address[es] specific situations where operational action [...] is deemed to be required" (TEU Art. 14 (1)). In this sense, the member states agree upon concrete measures rather than just the mere coordination of their positions by defining the "objectives, scope, the means to be made available to the Union, if necessary their duration, and the conditions for their implementation" (TEU Art. 14 (1)). Joint actions are "intensively and regularly utilized" (REGELSBERGER, 2004, p. 103) and are in practice often implemented by EC instruments such as aid and sanctions, especially "as it became more effective to rely on EC procedures and resources rather than coordinate the diplomatic activities" of the member states (M.E. SMITH, 2005, p. 163). Within the

³⁷ Under the CFSP provisions of the TEU as introduced in the Treaty of Amsterdam, the EU can also conclude international agreements with third countries or international organizations (see Art. 24 TEU). Member states are not mentioned as parties to a treaty concluded under these provisions, a practice that WESSEL (2007) concludes "clearly deviates from earlier arrangements in which the Union was merely used to coordinate the external policies of the member states" (p. 11). The EU has concluded over eighty such international agreements in accordance with CFSP and JHA provisions. Most agreements are concluded under the ESDP and range from Joint Declarations and Memoranda of Understanding as well as agreements in the form of an exchange of letters between the EU and third parties to agreements between the EU and a third state on the status or activities of EU forces/ ESDP operations, on the exchange of classified information, or on the participation of the third state in ESDP operations (WESSEL, 2007, p. 11). Because these agreements are not relevant in a study of Union foreign policy towards the Arab-Israeli conflict (so far only one agreement between the EU and Lebanon on combating terrorism has been concluded), they will not be further examined.

ESDP framework, joint actions are “the central instrument” for crisis management operations (SCHRÖDER, 2006, p. 149). Under international law, the member states are committed to follow the provisions of joint actions; however, member states can opt-out of implementing a joint action: If a member state has difficulties implementing a particular joint action, it can search in conjunction with the Council for a solution that does not contradict or impair the effectiveness of the joint action (TEU Art. 14(7)).

Common positions, in turn, conceptually “define the approach of the Union to a particular matter of a geographical or thematic nature”, and thus are designed to make foreign policy cooperation between the EU and the member states more systematic and coordinated (TEU Art. 15). In practice, common positions are to be implemented through coordinated national action. In this sense, the member states formulate a ‘guideline’ for their foreign policy actions that secures their acting with one voice. Common positions tend to be more formal than declarations (see 3.2.2 of this chapter) and have been frequently used to announce sanctions or initiatives (K. SMITH, 1998, p. 70). When a common position has been adopted by the Council, the member states have the responsibility of ensuring “that their national policies conform to the common positions” (TEU Art. 15); however, to what extent common positions are legally binding is disputed. Generally, this instrument is not regarded as legally binding, but rather as politically binding; nevertheless, because of the character of the CFSP provisions, member states are, according to international law, obligated to avoid contradicting a common position and must, according to Article 19 TEU, uphold them in international organizations and conferences (BURKHARD, 2001, p. 68).

Common strategies, introduced by the Amsterdam Treaty, are “implemented by the Union in areas where the Member States have important interests in common” and as such are used to define the EU’s relations with a third party of immense priority (Art. 13 (2) TEU). This instrument is the “broadest” of all instruments and has a “higher significance in the catalog of foreign policy instruments” than common positions or joint actions (REGELSBERGER, 2004, p. 43). As such, common strategies are cross-pillar in orientation and bundle all the policy instruments available in the hopes of providing a framework for subsequent action. In common strategies, the European Council formulates and unanimously decides on comprehensive “objectives, the duration, and general means to be made available”; the Council implements these common strategies by agreeing on common positions and joint actions using QMV (Art. 13 (2) TEU). In this sense, achieving consensus at the highest political level on divisive issues would allow

the Council to overrule single member states, thus increasing its capacity to act. SPENCER (2001), however, contradicts this theoretical optimism, stating that "it is unlikely that anything of substance will occur as a result of 'common strategies'" (p. 51). Although common strategies "present the theoretical possibility of more joint actions", SPENCER argues that "in practice, where the politics of the situation are of sufficient importance – as in the Middle East – it is clear that Member State governments will prefer to seize the opportunity for renegotiation of the overall strategy rather than allow for its implementation on a less than unified basis" (p. 51).

Hence, the instrument of a common strategy has only been used three times since its introduction in 1999 (on Russia and the Ukraine in 1999 as well as on the Mediterranean in 2000) "as a means of combining and codifying existing commitments in order to symbolize the importance the Union attaches to relations with key neighbouring countries and regions" (BRETHERTON & VOGLER, 2006, p. 169). Initially developed to provide greater coherence to European foreign policy, especially in issue areas in which the instruments used to implement policies cross pillars, the common strategies have turned out to be "long shopping lists lacking priorities" (REGELSBERGER, 2004, p. 103) and "political statements rather than guidelines to action" (BRETHERTON & VOGLER, 2006, p. 169); thus, this instrument now has little significance in the operative management of the CFSP.

Overall, joint actions and common positions as well as common strategies have been "used to a limited extent only, and [have] had only a limited impact on the external environment" (KEUKELEIRE, 2003, p. 44). Moreover, most of the joint actions decided upon by the Council have not brought additional value to Union foreign policy, and the common strategies were little more than a continuation of pre-Amsterdam strategies. In light of the limited use of these instruments, it has become evident that national diplomacy is still prevalent in practice, leading the development of a less than common foreign policy.

3.2.2 Declarations and Demarches

Within the framework of its diplomatic policy tools, the EU attempts to influence the political developments in third countries by issuing declarations and demarches. These tools of European foreign policy are "the most frequently used" and are not explicitly mentioned in the Treaty on the European Union (K. SMITH, 1998, p. 70). Declarations are an expression of the EU's opinion on any particular issue and are "used to express

concern, condemn, announce punitive measures, express satisfaction, encourage specific diplomatic activities, or announce Community initiatives” (K. SMITH, 1998, p. 70). The main focus of CFSP declarations is the defense of human rights and fundamental freedoms and the support for peace and democratisation processes. Because declarations are popular diplomatic tools among officials, the EU has often been criticized for a lack of action supporting its frequent rhetorical undertakings. Often, due to the fact that declarations are issued by the Presidency on behalf of the EU or by the EU as such when adopted at a Council meeting or a European Council summit, this policy tool has also fuelled criticism of the EU by third countries who perceive EU declarations as relatively general statements based on the lowest common denominator of member states' positions.³⁸

On the other hand, demarches are often undertaken in connection with the fundamental objectives of CFSP and represent formal presentations of the EU's position. Topics often include elections, the situation of prisoners, the death penalty, freedom of the press issues, conflict situations, refugees, disarmament, non-proliferation, human rights, and the rule of law. Demarches are made to representatives of third countries or international organizations by the ambassadors of the Troika or the Presidency and frequently request further information on the policies of or express concern about political developments in the state in question (M.E. SMITH, 2005, p. 162). Because a demarche aims to directly encourage a change in the behavior of the addressee, discretion and confidentiality in issuing these has proven to be more productive and more successful than doing so in the public eye, especially in human rights issues; therefore, the exact content of these is often not known (REGELSBERGER, 2004, pp. 90-91).

3.2.3 Political Dialogue

In addition to CFSP activities such as high-level visits either by the Presidency, Troika, or the SG/HR, the EU has established a system of regular contacts with third countries and regional groupings. Such political dialogue activities help to inform the EU's partners about the status of European foreign policy and to implement common policy decisions. In addition to using the framework of political dialogues to introduce candidate countries to collective decision-making procedures, the Europeans also regard this policy tool as an “instrument, with which, especially in conflict zones, cooperative

³⁸ In situations in which a quick response from the EU is deemed necessary, the Presidency can also issue a declaration without consulting the other member states. Additionally, the SG/HR can issue statements on his own behalf.

structures and structures directed towards a peaceful reconciliation of interests can be established" (REGELSBERGER, 2004, p. 97, see also MONAR, 1997b). Being engaged in numerous dialogues with third countries and regional groupings that cover foreign and security policy matters, political dialogue has become "undoubtedly one of the most important diplomatic instruments of the EU" (SCHUKRAFT, 2007, p. 163). Many of these dialogues are institutionalized, meaning that they are provided for in cooperation or association agreements which have established councils and/or committees that meet at different diplomatic levels (i.e. summit, ministerial, senior officials, or expert) to discuss various and sundry issues. The intensity and frequency as well as format depend heavily on the importance the EU accords to the dialogue with its respective partner(s). The institutionalization of political dialogue is very much a unique feature of European foreign policy. In addition to giving the EU the opportunity to express support, concern, or condemnation, "political dialogue is the key forum in which the EU exercises persuasion and is also used as a 'carrot' in and of itself" (K. SMITH, 1998, p. 71; 2003, p. 62). Tangible results, however, are produced by political dialogue mostly when the dialogue is connected to the economic and financial instruments of Community foreign policy (KEUKELEIRE, 2003, p. 49).

The very first political dialogue was first initiated in the 1970s with the Euro-Arab Dialogue. The characteristics of this first dialogue – "the stabilization, formalization as well as differentiation and separation of individual fields of policy as an attempt to, despite political and ideological differences, emphasize the functional aspects of cooperation and to iron out the differences" – influenced the subsequent political dialogues in which the EU has engaged (DEMBINSKI, 2002, p. 7). The first political dialogues with interregional groupings and with third states focused on cooperation in the fields of economic and development policy as well as in technology. In the 1990s the agendas of the EU's political dialogues increasingly included foreign and security policy issues such as nonproliferation and the fight against transnational crime and terrorism as well as human rights and democracy (DEMBINSKI, 2002, pp. 8-9). The EU has used this tool quite frequently, and it is currently engaged in over thirty institutionalized dialogues with third countries and regional groupings. This situation has, however, tested the capacity of the EU to effectively engage in political dialogue with the number of partners it has accumulated. Internal coordination difficulties, changing foreign policy priorities, the creation of new instruments, and the static and unsubstantial form of some

dialogues “have increasingly called the seriousness of the EU dialogue offerings into question in recent years” (REGELSBERGER, 2004, p. 98).

3.2.4 Sanctions

Within the CFSP framework, the EU can impose sanctions of diplomatic or economic nature in order “to bring about a change in policy or activity by the target country, part of country, government, entities or individuals” in accordance with the EU’s foreign policy objectives articulated in Article 11 TEU (COUNCIL, 2005b, p. 4). Referred to by the EU as restrictive measures, the EU implements sanctions imposed by the UN, but may also decide to impose sanctions autonomously. EU autonomous measures come into consideration “in support of efforts to fight terrorism and the proliferation of weapons of mass destruction and as a restrictive measure to uphold respect for human rights, democracy, the rule of law and good governance” (COUNCIL, 2004a, p. 2). Although the EC/EU first imposed sanctions in 1982 against the USSR, the decision-making procedures with regard to sanctions were not formalized until the establishment of CFSP. Still, little was undertaken with regard to sanctions policy and enhancing their efficiency and effectiveness until the turn of the century, when “the EU became increasingly active in propagating sanctions as an alternative approach to military intervention” (KREUTZ, 2005, p. 12). In 2004 the Council adopted its first programmatic document on sanctions policy entitled “Basic Principles on the Use of Restrictive Measures (Sanctions)”, in which it established an approach to sanctions as a useful foreign policy tool to “maintain and restore peace and security in accordance to the principles of the UN Charter and [CFSP]” (COUNCIL, 2004a, p. 2). The second major document completing the EU approach to sanctions, “Guidelines on implementation and evaluation of restrictive measures (sanctions) in the framework of the EU Common Foreign and Security Policy”, specifying the institutional set-up of sanction policy, was adopted in 2005 (COUNCIL, 2005b).

The legal basis for imposing sanctions reflects the hybrid character of European foreign policy and thus varies according to the exact nature of these measures: After the Council unanimously adopts a Common Position specifying the scope, objective, and means of the restrictive measures, the member states are responsible for implementing the sanctions that are not within the EC’s responsibility (these include arms embargoes, admission restrictions or visa bans, and bans on sporting events and cultural exchange). In instances in which Community action is required, for example in measures that inter-

rupt or reduce economic relations, an EC Regulation adopted by the Council (using QMV) on proposal from the Commission in accordance with Article 301 TEC is necessary. In cases in which financial restrictions are considered, Article 60 TEC provides the legal basis. Articles 60, 301, and 308 TEC and unanimity apply when restrictive measures target persons, groups, and entities not directly linked to a third country regime (COUNICL, 2005b, p. 5). Close coordination between the Pillars is therefore essential to EU sanctions policy. Occasionally, however, the EU also adopts informal restrictions that are mentioned in the conclusions of European Council meetings (PORTELA, 2007, p. 4).

The willingness to use sanctions for the purposes of European foreign policy has developed gradually. Whereas it was difficult for the member states to agree on sanctions within the framework of EPC, the use of sanctions has increased drastically since the implementation of CFSP (KREUTZ, 2005, p. 15). According to M.E. SMITH (2005), "the greatly expanded use of sanctions since the 1970s clearly demonstrates the EU's ability to use its formidable economic power for political ends" (p. 169). The EU prefers to integrate the use of restrictive measure in "an integrated, comprehensive policy approach" that includes "political dialogue, incentives, conditionality and could even involve, as a last resort, the use of coercive measures" (COUNCIL, 2004a, p. 2). The focus of EU sanctions has changed over the years from partial trade measures in early EU restrictive measures to arms embargoes in the mid-1980s. During the 1990s this focus shifted to targeted sanctions, now a dominant feature of EU sanction policy (KREUTZ, 2005, p. 21; PORTELA, 2007, p. 2). This means that the EU's restrictive measures aim to target those directly responsible for the policies or actions that have prompted the EU decision to impose sanctions. In doing this the EU hopes to reduce any adverse humanitarian effects or negative consequences for persons and neighboring states that were not targeted (COUNCIL, 2004a, p. 3).

A wide range of possible restrictive measures which could be imposed by the EU against third states or non-state actors exists. Diplomatic sanctions entail the suspension of official visits or high-level contacts, whereby bilateral talks still continue albeit less frequently and between lower-ranking officials; the reduction of the personnel in diplomatic representations in the field; the expulsion of third state diplomats from the EU; recalling ambassadors; or severing diplomatic ties altogether. The EU rarely severs ties completely, preferring to keep at least minimal contacts in order to be able to express discontent and concerns, a channel of communication that would otherwise fall by the

wayside in the event of a full suspension. Nevertheless, diplomatic sanctions – as well as the suspension of cooperation or sporting and cultural boycotts – are largely symbolic gestures of minimal impact and are regarded as “a low-cost way for the EU to signal displeasure in cases where more robust measures cannot be agreed” (M.E. SMITH, 2005, p. 163). The restriction of admission into the EU is, next to arms embargoes, the type of restrictive measure that is most frequently imposed by the EU. This measure consists of refusing individuals or groups the right to enter into or transit through the territory of the EU, and it is one of two measures that the EU can use to act against non-state actors (the other being to freeze funds located in the EU). Although the decision to impose a travel or visa ban is taken jointly, the member states implement it through their respective immigration authorities. Arms embargoes are imposed to interrupt the flow of arms and military equipment to zones of conflict or to regimes deemed likely to use this equipment for internal repression or external aggression. The implementation of arms embargoes is also the responsibility of the individual member states. Other trade and financial sanctions are implemented by the Commission and consist of export and/or import bans, flight bans, the prohibition of financial transactions, freezing funds, etc. (EXTERNAL RELATIONS WEBSITE, 2007b).

Although the application of economic and financial sanctions can be considered a powerful tool in light of the EU's economic significance, they are seldom utilized by the EU (PORTELA, 2007, p. 4). Factors hindering the EU in imposing economic sanctions include the fact that the EU does not want to negatively impact the targeted country's population and the detriment such sanctions could cause to the business interests of European companies. Most importantly, however, is the fact that the member states are divided when it comes to the effectiveness of imposing sanctions: Great Britain and the Scandinavian member states, for example, support the use of sanctions as an effective foreign policy tool, whereas the Mediterranean member states reject this approach (PORTELA, 2007, pp. 6-7). Moreover, not all member states agree on the direction of sanction strategy once the decision to impose sanctions has been taken.

3.2.5 Sending Special Representatives

The Special Representatives of the EU are important tools of EU foreign and security policy and function as the 'face' and the 'voice' of the EU in the field (GREVI, 2007b, pp. 10-11). First employed in 1996, with the appointment of special envoys to the African Great Lakes region and the Middle East peace process, the Treaty of Amsterdam

consolidated the practice of appointing SRs (Art. 18 (5) TEU). Before the treaty revision in Nice, which extended QMV to the appointment of SRs (see Art. 23 TEU), this decision required a unanimous vote. In the past, the EUSRs have focused on specific crises; currently, they have been appointed to enhance EU policy in key regions or towards regional partners. Today, there are presently nine EUSRs active in places such as Afghanistan, the Great Lakes region in Africa, Bosnia and Herzegovina, Central Asia, the former Yugoslav Republic of Macedonia, the Middle East, Moldova, the South Caucasus, and Sudan. Moreover, the mandates of EUSRs have expanded from addressing crises and supporting conflict settlement to include the support of political transition in post-conflict situations and the formulation of a strategic EU approach to pivotal regions. Furthermore, new European policies such as the ESDP and the ENP have increased the necessity of coordination between EU policies, a role often entrusted to the EUSRs as well (GREVI, 2007a, pp. 2-3). According to DIETL (2005), "this increasing use of the instrument of a special representative is to be seen above all against the background of the EU's aim to advance the expansion of its crisis management abilities in the course of the further development of the CFSP, especially the security dimension" (p. 15). Accordingly, EUSRs have advanced to important instruments of the EU's crisis management activities. In fact, the increasing acknowledgment of the international role of the EU is often attributed to the work of the EUSRs: The current SG/HR, SOLANA (2005b) has stressed that the EUSRs "are the visible expression of the EU's growing engagement in some of the world's most troubled countries and regions" (p. 2).

In addition to symbolizing the Union's commitment to a region, issue, or country and the priority accorded to it by the EU, the EUSRs contribute to European foreign policy-making and policy implementation by providing information, making policy, managing crises, and networking as well as functioning as policy coordinators and agents of effective multilateralism (GREVI, 2007b, p. 141-145). As the 'eyes' and 'ears' of the EU, the EUSRs provide important information on the situation on the ground through his or her regular reports to the SG/HR, the PSC, and the Council working parties. "Perceived as a genuine effort to shape European initiatives, and not as a channel to foster the agenda of any individual country", the input of the EUSRs can enable the formulation and definition of a common European position on the region in question (GREVI, 2007b, p. 46). As policy-makers, the EUSRs provide assistance in defining the policies, positions, and strategies of the EU, functioning as the 'voice' of the Union by "seeking to put across a single message" that they convey and explain to their network of diplo-

matic contacts at all levels (GREVI, 2007b, p. 11). Due to the complex mix of actors in policy-making, especially the relationship between the Council Secretariat, the Commission, and the member states, the actual effect of the EUSRs on internal EU policy-making is hard to pinpoint. As representatives of the EU whose task is to increase the visibility of the EU in the region, the envoys engage in crisis mediation and confidence building activities with third parties as well as multilateral crisis diplomacy and make efforts to become involved in the domestic politics of the country in question ('transition diplomacy'). With regard to ESDP operations, the EUSRs provide political guidance and advice to the heads of missions (both civilian and military) and attempt to enhance the coordination and coherence of different ESDP missions and between these missions and other European foreign policy tools. As the EU's 'face', EUSRs are the primary interfaces with local authorities in dealing with political matters and "seek to provide an enabling political environment for ESDP operations, which often deal with sensitive aspects of institution building, notably in the security sector" (GREVI, 2007b, p. 143). In addition to coordinating ESDP operations and other EU policy tools, the EUSRs are instrumental in enhancing the coordination between EU and member state initiatives as well as between EU policies and the policies of other international actors. In short, the three main tasks of EUSRs in the service of European foreign policy are representation, information, and coordination, through which the EUSRs "have pioneered the Common Foreign and Security Policy and have helped enhance the Union's profile in the eyes of global partners and local interlocutors" (GREVI, 2007b, p. 11).

While the EUSRs are characterized as bringing added value to EU foreign policy and crisis management activities, their work is affected by a series of constraints (GREVI, 2007b). The fact that the EUSRs sometimes serve as substitutes to a clearly defined policies limits their mandates and room for maneuver. The resources provided to the EUSRs are also often not in direct correlation with the geographical and functional responsibilities of their mandates. The complex mix of actors in European foreign policy also serves to undermine the efficiency of EU engagement in the field, especially when the divisions of competence within the foreign policy framework lead to conflicts. Lastly, the dynamics of the conflicts and regions in which EUSRs are active often involve other international actors and competing interests, factors that can delimit the EUSRs' and the EU's involvement. So while the experience with EUSRs has generally been positive, their "success depends considerably on the personality and political

weight of the individual and his or her ability to gain the respect of diplomatic peers and the parties in the crisis area" (CAMERON, 2007, p. 50).

3.2.6 ESDP Missions

The creation of the ESDP in 1999 has provided the CFSP with an important tool to pursue its foreign policy objectives. In order to meet these, the capacities of the ESDP are divided into two components: military crisis management and civilian crisis management. The military crisis management component consists of the RRF called for by the Helsinki Headline Goal of December 1999³⁹ as well as rapidly deployable and specialized battalion-sized (1500 strong) 'Battlegroups'⁴⁰ as envisaged by the Headline Goal 2010. The EU has no autonomous military capabilities at its disposal, and the ESDP is not about the creation of a European army. The EU must depend on member state contributions for military operations; the ESDP capabilities process aims at creating a pool of national troops which the EU can access when the Council unanimously decides to react to a crisis by deploying a military mission. In this case, each member state decides whether it will make resources available on a case-by-case basis. Battlegroups, on the other hand, can be deployed by a member state alone, by a framework nation with the support of other contributing countries, or by a multinational force made up of equal contributions from various states. Despite the fact that the EU has been able to meet these goals, it still lacks important military capacities such as planning capabilities. A solution to this problem was found with the finalization of the Berlin-Plus Agreement in December 2002 and its conclusion in March 2003, in which NATO guaranteed access to its command structure and planning capabilities and other assets in return for the EU making special provisions for Cyprus in ESDP and assuring the participation of non-EU European members of NATO in ESDP missions. Thus, EU military operations can be either fully autonomous or reliant on NATO assistance.

The civilian crisis management component of the ESDP "aims to improve a field where the international community has shown itself to have weaknesses" (EUROPEAN COMMISSION WEBSITE, 2006, n.p.). At the Feira European Council in June 2000,

³⁹ The Helsinki Headline Goal is also known as the Headline Goal 2003 and called for the availability of military forces of 50,000 to 60,000 strong by the end of 2003 capable of the full range of Petersberg tasks, deployable within 60 days, and sustainable for up to one year.

⁴⁰ The concept of the Battlegroups was agreed upon by the EU Military Committee in June 2004 and formally launched at the Military Capability Commitment Conference in November 2004 (see COUNCIL, 2004b). EU Battlegroups are a form of rapid response and are to be deployed across the full range of Petersberg tasks, especially in crisis management. The Battlegroups reached initial operational capability in 2005 and full operational capability on January 1, 2007 (EU COUNCIL SECRETARIAT, 2007). For a detailed analysis see LINDSTROM, 2007.

the member states agreed to enhance the EU's and their respective civilian crisis management response tools with regard to the availability of police officers for international missions and specified priority areas for civilian action: police, rule of law, civilian administration, and civil protection.⁴¹ Two additional priorities of civilian action were identified by the Civilian Headline Goal 2008: monitoring missions and supporting EUSRs. In implementing such measures, the member states aim to prevent and deter crises through a physical presence in the region, enhance EU visibility in the region, and to demonstrate EU engagement in and commitment to the region (or a crisis/ conflict situation). For the most part, the civilian missions deployed within ESDP serve three tasks: they support state-building, support peace processes, and support the stability of third parties (RUMMEL, 2006, p. 12-16). The resources provided for EU missions are, as in the military missions, contributed by the member states, who specify the assets they can make available to the EU's pool of resources.

As a mechanism to strengthen the EU's contribution to international peace and security, ESDP allows the EU to pursue a variety of missions falling within the CFSP's scope of action. ESDP missions tackle many tasks ranging from law enforcement and cease-fire monitoring to security and humanitarian crisis management and can be deployed as a national mission, an ad hoc-coalition, an EU operation, or a NATO operation. The main types of typical ESDP operations or actions can be categorized as stabilization, substitution, strengthening or reform, monitoring, and support to crisis management organizations (SERRANO, 2006, pp. 42-43). Stabilization operations, examples of which include the current EU military operation in Bosnia-Herzegovina (Althea) and the military operation in the Democratic Republic of Congo in 2003 (Artemis), entail the deployment of a military mission to separate (or to ensure the separation of) warring parties or to maintain peace in a region of conflict. Depending on the operation's mission, it may also fulfill more of a monitoring role instead of active peacekeeping tasks. Security-related activities such as disarmament or demobilization may also be included in these types of activities. Substitution missions take over the direct management of responsibilities normally under the control of local authorities. Such responsibilities generally include those in the security sector such as the police force, but may also apply to other fields within the rule of law (e.g. the penal system or the judiciary) or in

⁴¹ The target set at the Feira summit in June 2000 was the ability by the end of 2003 to provide 5,000 police officers for missions across the range of conflict prevention and crisis management, 1,000 of whom are deployable within 30 days. Concrete targets in the fields of rule of law (up to 200 experts), civilian administration and civilian protection (among other, Civil Protection intervention teams consisting of up to 2,000 persons) were identified at the European Council summit in Gothenburg in June 2001.

civilian administration. The “most complex and challenging” ESDP tasks fall within the rubric of strengthening or reform activities (SERRANO, 2006, p. 42). In operations of this category, the EU contributes to and fosters reform or the establishment of a branch of security-related state activity such as defense, police, rule of law, and even in some instances public administration. This normally occurs through monitoring and mentoring and in some cases inspecting. Such missions aim “to give direction and maintain constant follow-up in order to avoid a paralysis or failure of the process”, making long-term effort and commitment on the side of the EU necessary (SERRANO, 2006, p. 43). Examples of EU-operations operating under this category are the police missions in Bosnia-Herzegovina (EUPM), the Democratic Republic of Congo (EUPOL Kinshasa), the Former Yugoslav Republic of Macedonia (Proxima), and the Palestinian territories (EUPOL COPPS); the rule-of-law missions in Georgia (EUJUST Themis) and Iraq (EUJUST LEX); and the military operation in the Democratic Republic of Congo (EUSEC Congo). Especially ESDP police missions – ranging from quick responses to crisis situations to long-term measures to rebuild or transform policy organization – aim “to fill a niche in international security not handled by the U.S.” (GINSBERG & SMITH, 2007, p. 16; see also RUMMEL, 2005) and “have quickly developed into an important aspect of EU external action” (MERLINGEN & OSTRAUSKAITE, 2005, p. 216). Monitoring missions such as those in Aceh (AMM) and in Rafah (EU BAM Rafah) serve to supervise the implementation of an agreement; furthermore, such missions may consist of EU participation in conflict settlement mechanisms. The last type of ESDP mission is supporting crisis management efforts led by other international organizations. In such cases, ESDP instruments can be deployed as an independent but complementary mission such as Artemis or are directly integrated into the mission of another actor as in the EU support to the African Union Mission in Darfur (AMIS).

The decision to launch an ESDP operation is taken by the member state ambassadors in PSC in the form of a Joint Action, whereby civilian operation decisions are often prepared by CIVCOM. Proposals for ESDP actions are usually introduced by a member state pursuing special interests or by the Presidency, the latter being the case when a third state or an international organization requests EU assistance (GOURLAY, 2006, p. 104). Thus, ESDP missions are largely reactive and are “rapidly forged between those Member States with the most interest in the action and most likely to shoulder the brunt of the burden in its implementation” (GOURLAY, 2006, p. 105). This makes political will and member state capabilities the most important preconditions for ESDP action.

Consequently, "EU missions thus far remain very limited in scope and still depend heavily on the leadership, commitment and interest of major EU member states" (CAMERON, 2007, p. 85).

III. THE CONTEXT OF EUROPEAN ENGAGEMENT IN THE ARAB-ISRAELI CONFLICT

Before continuing with the analysis of European policy towards the Arab-Israeli conflict, it is necessary to examine the region of the Middle East as an arena in which European foreign policy is actively pursued. This chapter aims at establishing the parameters of EU involvement in the Arab-Israeli conflict. In order to do this, three steps will be taken. First, the history of the Arab-Israeli conflict is briefly described to identify the main parties to the conflict and to specify which parties are at the center of the conflict today. This pinpoints the parties with whom European actors must interact in the search for a solution to the conflict and in supporting the peace process. Secondly, a brief overview of the evolution of external involvement in the Middle East as well as the interests and strategies of the main external actors in the region puts European involvement in the region and the possibility of its expansion into perspective. This section, therefore, helps explain Europe's role (or lack thereof) in certain phases of the conflict and in the search for a lasting solution. Thirdly, the conflict protagonists' as well as the dominant external actor's attitudes towards a European/EU role are examined in order to set the stage for the comprehensive examination of European policy towards the conflict and the utilization of European foreign policy tools.

1. The Evolution of the Arab-Israeli Conflict

The Arab-Israeli conflict is one of the most prolonged and salient conflicts of modern times. Its violent, destabilizing confrontations and the strenuous efforts towards peace have shaped international relations for more than a half a century. This dispute between Israel and the Arabs originated in and is essentially a clash between the Jewish and Palestinian national movements over the land of Palestine. Each side claims the right to the thin strip of land between the Jordan River and the Mediterranean Sea: The Jews refer to their history in this region and their experiences in Europe as entitling them to this land, whereas the Palestinians claim that their history in the region and the Allied promises made to them during World War I equally entitle them to this strip of land (C. SMITH, 2001; LESCH, 2006; JOHANNSEN, 2004, 2006). Thus, this central dispute between Jews and Palestinians over Palestine is the core of the Arab-Israeli conflict.

When one observes the history of the Arab-Israeli conflict, it becomes clear that this struggle between Jewish settlers and the indigenous Arabs of Palestine has not remained

local or exclusively between the Jews and the Palestinians. As the conflict progressed, it engulfed the region in the struggle over land as neighboring Arab regimes took up the Palestinian cause against Zionism and Israel. For approximately thirty odd years (from 1948 to the end of the 1970s), the Arab-Israeli conflict was carried out on the regional level, i.e. between Israel and its Arab neighbors. Today, the Arab-Israeli conflict has, to a large extent, returned to the primordial struggle between the Jews and the Palestinians, although the animosity between Israel and two of its Arab neighbors (Syria and Lebanon) has not yet formally subsided. This chapter hence summarizes the main developments in this evolution.

The origins of the clash between Arabs and Israelis can be found in the Zionist settlement of Palestine in the late 19th century. Increasing persecution in Eastern Europe and the assimilation difficulties of West European Jews as well as the growth of European nationalism motivated the establishment of a national Jewish movement known as Zionism. Underlying Zionism was the wish to establish an independent Jewish existence in Palestine, the ancestral homeland of the Jewish people. Theodor Herzl, regarded as the father of modern political Zionism, called for the creation of a Jewish state that would absorb European Jewry and end anti-Semitism in his book *Der Judenstaat* (The State of the Jews) in 1896.⁴² In 1897 the First Zionist Congress convened and established the World Zionist Organization (WZO), which eventually helped immigrants to Palestine and purchased land “with the aim of creating a Jewish state” (LESCH, 2006, p. 4).⁴³ The first wave of Zionist immigrants, beginning in 1882, had little political ambitions; their desire was to morally and spiritually rejuvenate Judaism. Between 1895 and 1914, approximately 40,000 Jews entered Palestine, often not for the same religious reasons as the first immigrants, but instead to colonize it and establish a base for the future restoration of Palestine as Israel. As immigration increased, the Zionist drive to purchase land and the openness of their commitment to a separate Jewish entity in Palestine aroused Arab fears.

This growing Zionist immigration was accompanied by the development of Arab nationalism at the beginning of the 20th century (BECK, 2002, pp. 167-70).⁴⁴ Arab natio-

⁴² Herzl himself was not necessarily committed to Palestine as the location for a future Jewish state and favored unoccupied territory such as parts of Argentina.

⁴³ For more on Zionist aspirations in Palestine see ZUCKERMANN, 2002.

⁴⁴ During the First World War (1914-1918), two directions of Arab nationalism evolved: pan-Arab nationalism and Palestinian nationalism. Whereas pan-Arab nationalists hoped to establish a pan-Arab empire with Palestine as an integral component, Palestinian nationalists aimed to achieve independence for Palestine as they feared being dominated by external Arab leaders. By the end of the 1920s a strong Palestinian nationalism had developed (BECK, 2002, pp. 169-170).

nalism was originally directed towards the Great Powers in Europe, especially at Great Britain as it attempted to expand its influence in the Middle East,⁴⁵ but during World War I this movement increasingly made reference and sought to thwart Zionist settlement and immigration by emphatically rejecting all historic, legal, and political Zionist claims to Palestine. The Palestinian Arabs quickly recognized that Zionism would be detrimental to Palestinian nationalist aspirations, and the systematic expansion of Zionist land purchases thus intensified the development of an anti-Zionist Arab nationalism.

The 'Palestine problem' first became an international issue at the end of World War I. After the disintegration of the Ottoman Empire, Palestine was placed in 1922 under the administration of Great Britain in accordance with the Mandate system adopted by the League of Nations.⁴⁶ As a mandatory power, Britain was to "rule on behalf of the indigenous residents and to assist those residents' economic and political development so that they could eventually become independent" (LESCH, 2006, p. 8). During the mandate (1922-1947) large-scale Jewish immigration and land purchases took place. An effort to expand and strengthen the organizational structure of the Jewish community (the Yishuv)⁴⁷ ensued as the Zionists increasingly believed that coexistence with the indigenous Arab population was not possible. Increased Zionist immigration in the 1930s and the growth of Palestinian nationalism culminated in a violent Palestinian rebellion against the mandate, the Arab general strike and revolt from 1936 to 1939, instigated by the Arab Higher Committee, the central political organ of the Arab community in Palestine (established in 1936), and its chairman, Hajj Amin al-Husseini. The revolt grew out of the Arab fear that continued Zionist immigration would lead to Zionist dominance and the belief that the British would do nothing to prevent it (MANSFIELD, 2003, p. 206). The British reacted to the revolts by initiating an investigation of the problem by the Peel Commission. The Commission recommended in 1937 that Palestine be partitioned into two independent states on the grounds that two conflicting nationalisms had emerged. The Arab Higher Committee as well as the neighboring Arab states (with the exception of Amir Abdullah of Transjordan), called for united Arab re-

⁴⁵ European attempts to expand their influence in the region culminated during World War I when the British made contradictory promises to the Arabs concerning their future self-determination (see section 2 of this chapter).

⁴⁶ The British were awarded the mandate over Palestine in 1920; however, the League of Nations did not ratify it until July 1922.

⁴⁷ During the years of British rule, the Zionist movement was successful in establishing the groundwork for a future independent Jewish state. Political structures included an elected community council, an executive body, numerous administrative departments, and religious courts (LESCH, 2006, p. 51). In contrast, the Palestinians were unable to create comparable autonomous state-like structures (KHALIDI, 2006, pp. 31-139).

sistance against world Jewry and rejected the Peel Commission's recommendations, gradually making the 'Palestine problem' an Arab issue as well (C. SMITH, 2001, pp. 134-144). By 1939 organized Arab resistance in Palestine had collapsed after the Arab Higher Committee fell into disarray as a result of being outlawed by the British and its members had been either deported or had fled Palestine to escape arrest. Factionalism in Palestine and arguments between Palestinian political elites eventually abdicated the representation of the Palestinian cause to its Arab neighbors.⁴⁸

During World War II, Zionist terrorism began to shift its focus from the Arabs to the British as a result of the 1939 White Paper that restricted Jewish immigration and called for the establishment of a Jewish National Home in an independent Palestine within the next ten years. After World War II, the situation intensified due to the mass influx of immigrants, both legal and illegal. The Jews and Arabs continued to fight against each other and against the British. Great Britain, weakened by an economic crisis and the war, remained unable to solve the growing conflict between the Zionists and the Palestinian Arabs and function as a mediator and, thus, relinquished its Mandate to the successor of the League of Nations, the UN, in 1947. In an effort to end the conflict, the UN proposed the partition of Palestine (Resolution 181) on November 22, 1947, into an independent Palestinian Arab state and an independent Jewish state.⁴⁹ Whereas the Arab League and the Arab Higher Committee rejected the UN plan, the Zionists established the State of Israel on May 14, 1948, in accordance with the provisions of Resolution 181. Not willing to accept a Jewish state on Arab land, the neighboring Arab states attacked Israel the following day.⁵⁰ The armed conflict ended with Israel increasing its territory to include approximately 78 percent of Palestine (instead of the 55 percent it was allocated in Resolution 181); the displacement of hundreds of thousands of Palestinians now scattered throughout Lebanon, Syria and elsewhere; and the occupation of the remaining 22 percent of Palestine (Gaza and the West Bank) by Egypt and Jordan (KHALIDI, 2006, pp. 1-2). 'Palestine' was thus essentially wiped off the political map,

⁴⁸ For more on Palestinian factionalism during the mandate years and cleavages in Palestinian society see KHALIDI, 2006, pp. 65-90 and pp. 111-115.

⁴⁹ The UN Partition Plan allocated 55 percent of Palestine to an independent Jewish state and 40 percent to an independent Palestinian state. The remaining 5 percent surrounding and including Jerusalem was to be an international enclave under UN control (LESCH, 2006, p. 11).

⁵⁰ At this point in time the hostilities resulting from the UN partition recommendation entered their second phase. Before Israel officially declared statehood, Arabs and Jews fought over land, and the Zionists were able to take control over the area granted to the Jewish State in Resolution 181 before May 14, 1948.

Palestinian nationalism was eradicated, and the 'Palestine problem' became one of refugees to be handled by the Arab states.⁵¹

In the throes of the first Arab-Israeli War in 1948/49, the conflict ceased being a local conflict between the Arabs of Palestine and the Zionists and became a regional conflict between Israel and its Arab neighbors. BECK (2002) fittingly refers to this as the "Arabization" of the conflict (p. 173). The first signs of the "Arabization" were, however, already present in 1936. After the Palestinians began their general strike in 1936, the Arab rulers pressed them to suspend it. As a result, the strike was suspended; but, after the publication of the Peel Commission report in 1937, a full-scale revolt erupted. On this Arab attempt to exert influence over the Palestinians KHALIDI (2006) asserts: "This was to be the beginning of a series of interventions that would eventually end with the subordination of the Palestinians to the Arab states, a situation that continued for many decades, until the mid-1960s" (p. 111). The Arab-Israeli conflict after 1948/49 is thus characterized by a territorial and existential conflict between Israel and its neighboring Arab states over the lands Israel conquered in the War of Independence, in which the Arab front, consisting foremost of Syria, Egypt, Jordan, and Lebanon, refused to recognize Israel (SCHMID, 1997, p. 14). The 'Palestine problem' remained a factor in the Arab-Israeli conflict, but it was never a priority for the Arab states, of which Egypt and Jordan claimed to represent the Palestinian cause. According to LESCH (2006), "although Arab governments felt a moral obligation toward the Palestinian cause, they necessarily gave priority to their own national interests in developing their policies towards Israel" (p. 79). Moreover, the Arab governments strived to control the Palestinian movement. In an attempt to harness Palestinian guerrilla groups and appease Palestinian discontent, the Arab League agreed to sponsor the formation of an organization to represent the Palestinian cause at its Cairo summit in January 1964, the Palestinian Liberation Organization.

In light of the Six-Day War of 1967, in which Israel conquered the West Bank, the Gaza Strip, the Sinai Peninsula, and the Golan Heights, as well as Palestinian disappointment with the Arab regimes and their commitment to the Palestinian cause, many Palestinian organizations and guerilla groups came to the conclusion that only the Palestinians themselves could liberate 'Palestine'. The PLO thus slowly emerged as a new actor in the conflict as Palestinian armed struggle organizations (Feda'iyeen), particular-

⁵¹ UN General Assembly Resolution 302 from 1947, which established the United Nations Relief and Works Agency for Palestinian Refugees in the Near East, also defined the 'problem' as a refugee crisis in need of a humanitarian solution.

ly al-Fatah, became increasingly involved in the organization and came to dominate it. The leader of al-Fatah, Yassir Arafat, was appointed chairman of the Executive Committee of the PLO in 1969 “impart[ing] to it a new impetus, and a purely Palestinian tenor, replacing the heavy hand of Arab government control that the Egyptian-dominated Arab League had exercised” (KHALIDI, 2006, p. 138). Palestinian terrorism (i.e. at the 1972 Munich Olympics or airline hijackings and bombings in the late 1960s and early 1970s) as well as the 1973 Yom Kippur War and the ensuing oil crisis brought the Palestinian struggle to the forefront of the Arab-Israeli conflict and to international attention. Arafat succeeded in breaking free from Arab domination, and in 1974 the PLO was officially recognized by the Arab League as the sole legitimate representative of the Palestinian people and achieved international recognition as such through its admittance to the UN as an observer in 1975.⁵² Initially aiming at the total destruction of Israel through armed struggle, the PLO gradually shifted its objectives to support a two-state solution to the conflict, in which the Palestinians would achieve full-fledged statehood and independence in a state living side-by-side with Israel. The PLO is thus broadly regarded as evolving “from a liberation movement to a para-state” that would eventually lead the Palestinians to their ultimate objective (KHALIDI, 2006, p. 150). After the signing of the Oslo Accords in 1993, most observers agreed that an independent Palestinian state was inevitable; however, this transformation has not yet taken place. Nevertheless, as the internationally recognized sole legitimate representative of the Palestinians, also until the late 1990s the uncontested face of the Palestinian national movement, the emergence of the PLO can be credited with the revival of Palestinian nationalism.⁵³

In addition to the reemergence of Palestinian nationalism in the 1970s, the Egyptian-Israeli peace treaty of March 1979 provided the impetus for a shift in the nature of the Arab-Israeli conflict. As hostilities between Israel and Egypt ceased, the focus of the conflict became the Palestinian question, and the conflict gradually returned to its roots. This ‘Palestinianization’ of the conflict is characterized by a shift from the regional level (i.e. the existential conflict between Israel and its neighbors) back to the local level (i.e. the conflict over Palestinian self-determination and the right to a state in the West

⁵² Arafat was the first representative from an entity other than a UN member state to address the UN General Assembly in November 1974.

⁵³ The rise of the Hamas in the late 1990s challenged the legitimacy of the PLO as sole representative of the Palestinians. For more see RUBIN, 2006.

Bank and Gaza Strip) as evident in the first intifada⁵⁴ from 1988/9 to 1991, respective Palestinian and Israeli terror attacks in the second half of the 1990s as the Oslo Peace Process began to stall, and the first Israeli-Palestinian war, the al-Aqsa Intifada beginning in September/October 2000, as well as the Israel's Gaza offensive 'Operation Summer Rains' against the Palestinians in Gaza from the end of June 2006 to November 2006 and the continued violence today.

Complicating the conflict dynamics on the local level is the division between the Palestinians themselves. Since 2006, the political authority in the Palestinian territories has been fragmented between Fatah, the ruling party since the creation of the PA, and the radical Islamic group Hamas, considered a terrorist group by Israel, the U.S., and the EU. After Hamas formed a government upon winning the majority in the parliamentary elections of January 2006, fighting between the two factions ensued, particularly over the control of security forces, which remained loyal to al-Fatah. Although a government of national unity was established in March 2007, it rapidly collapsed as confrontations between the two factions escalated, eventually leading to the takeover of public institutions and security service buildings in the Gaza Strip by Hamas in June 2007. Hamas thus violently expelled Fatah from Gaza and the Executive Committee of the PLO declared Hamas's military takeover an illegitimate coup. Palestinian President Mahmoud Abbas dismissed the national unity government and appointed a caretaker government led by Salam Fayyad as prime minister. The West Bank and the Gaza Strip became politically separated, as Abbas and the Fatah-backed government ruled over the West Bank, while the Gaza Strip remained under Hamas control. Having isolated Hamas since its election victory, Israel, the U.S., and the EU continue to do so, while fully supporting Abbas and the PA in the West Bank. As Abbas has attempted to resume peace negotiations with Israel, Hamas has continued its violence against Israel, which has reacted by clamping down on Gaza, effectively undermining the negotiations.

Despite the focus and intensity of the conflict at the local level, the conflict at the regional level is not yet fully resolved. Although Jordan signed a peace treaty with Israel in 1994, tensions are still high between Israel and its other neighboring countries, Syria and Lebanon. Israel and Syria remain in a dispute over the Golan Heights, which Israel seized in 1967 and annexed in 1981. In spite of significant progress towards a final peace treaty between these two states, peace negotiations were halted in 1996 and failed

⁵⁴ The intifada can be characterized as "sustained efforts to prove to the Israelis – and the outside world that military occupation had denied the Palestinians their basic rights and that the people would use their moral force to win their independence" (LESCH, 2006, p. 89).

in 2000 shortly after an attempt to resume them in late 1999 (KESSLER, 2000). According to the Israeli newspaper, *Haaretz*, Israel and Syria also held secret negotiations between 2004 and 2006 that resulted in a document specifying the possible basis for a peace treaty (ELDAR, 2007; SCHWABE, 2007; see also BREMER, 2007). Currently, nothing has officially materialized from this document, and in September 2007 Israel bombed a building in northern Syria, which it suspected of housing fuel for nuclear weapons (SANGER & MAZZETTI, 2007). With respect to Lebanon, notwithstanding Israel's withdrawal in 2000, cross-border attacks between Israel and the Hezbollah continued, culminating in the Lebanon War of July 2006 as a result of the Israeli response to the kidnapping of Israeli soldiers by Hezbollah. A ceasefire sponsored by the UN was reached in mid-August 2006, but a formal peace treaty between the two countries does not exist.

2. The Role of External Actors in the Arab-Israeli Conflict

Although the Arab-Israeli conflict has been directly carried out at the local and regional levels, it has not been free from external influence. In fact, the Arab-Israeli conflict takes place in a region that has been and is "intensively penetrated by the Western state system" (BROWN, 2001, p. 304). Moreover, according to SHLAIM (1995), "the key to the international politics of the Middle East lies in the relations between outside powers and local forces" (p. 4). The uniqueness of this external influence in the Middle East lies in its intensity, pervasiveness, and impact (SHLAIM, 1995, p. 4). The influence of external actors in the region and on the conflicting parties has been present since the inception of the Arab-Israeli conflict. At different times throughout the conflict, different actors have dominated the region and played significant roles in shaping, intensifying, stabilizing, or resolving the conflict. This involvement can be divided into different phases: the Ottoman, the European, the superpower, and the American phase (SHLAIM, 1995, p. 5; HAASS, 2006, pp. 2-3).⁵⁵

The Ottoman phase refers to the period in which the Ottoman Turks ruled over a good portion of the Middle East. Lasting from 1518 to 1918, the decline of Ottoman power coincided with the European penetration of the region and was sealed when the Ottoman Turks aligned themselves with Germany and Austro-Hungary against Great Britain, France, and Russia in the First World War, a move that ushered in the beginning of the European phase. This phase, during which Great Britain and France assumed the

⁵⁵ HAASS (2006) entitles his phases the colonial era, the Cold War era, and the American era. He does not provide a name for the first era, which began in the late 18th century and ended with World War I.

dominant roles in the Middle East, commenced with the end of World War I and the fall of the Ottoman Empire and ended in 1956 in the wake of the Suez War. The European powers changed the political and territorial status quo by creating states, delineating borders, and appointing rulers. Great Britain emerged as the more dominant power, occupying Egypt, Sudan, Palestine, Transjordan, and Iraq. With regard to Palestine, Great Britain's contradictory policy during World War I played a supporting role and "was paramount" in the escalation of the conflict between the Palestinian Arabs and the Zionists (LESCH, 2006, p. 11). On the one hand, in 1915 the High Commissioner in Cairo, Henry McMahon, promised Sharif Hussein of Mecca British support for Arab independence in central Syria, northern Iraq, and Arabia in return for Arab resistance against the Ottomans.⁵⁶ On the other hand, the British had surreptitiously negotiated an agreement with the French in 1916 (the Sykes-Picot Agreement), in which direct and indirect spheres of British and French control in the Middle East were defined,⁵⁷ thus contradicting the promise of independence made to Hussein in 1915. Furthermore, the British issued the Balfour Declaration in 1917, proclaiming their support for the establishment of a national home for the Jewish people in Palestine. After World War I, the dismemberment of the Ottoman Empire resulted in the creation of five new states: Syria, Lebanon, Transjordan, Iraq, and Palestine, all of which were under British or French tutelage and struggled to act with full independence (KHALIDI, 2006, p. 124).

The Suez War of 1956 marked the end of European efforts to forcibly impose their will on the region and the beginning of the superpower phase. After Egyptian President Gamal Abdel Nasser nationalized the Maritime Suez Company in response to the U.S. decision to withdraw aid for the Aswan Dam project⁵⁸ – an action also supported by Great Britain, France, and the World Bank – Israel, Great Britain, and France fabricated a plan to invade Egypt and destroy Nasser. On October 29, 1956, Israel invaded the Sinai Peninsula and two days later, after Nasser had refused the Anglo-French ultimatum to withdraw from the banks of the Suez Canal, the French and the British attacked Egypt. The collusion and France and Great Britain's feigned neutrality were exposed;

⁵⁶ For more detailed accounts of the Hussein-McMahon correspondence see C. SMITH, 2001, pp. 62-67 and MANSFIELD, 2003, pp. 152-156.

⁵⁷ For a detailed account see C. SMITH, 2001, pp. 67-70.

⁵⁸ The U.S. decision was prompted by Egypt's recognition of Communist China (at this point in time, not only the containment, but also the denial of the existence of Communist China was a key aspect of U.S. foreign policy). This was the catalyst for the withdrawal of aid; however, Egypt's arms deal with Czechoslovakia (a subterfuge in light of the Russian influence in Czechoslovakia) and its suspected military and financial support of the rebels in Algeria during the Algerian Revolution greatly contributed to the West's frustration with Egypt (C. SMITH, 2001, pp. 239-245).

consequently, France and Great Britain lost their standing and influence in the Arab world (C. SMITH, 2001, pp. 245-250).

By distancing itself from and openly condemning the military intervention instigated by the British, French, and Israelis, the U.S. was able to secure its influence in the region. The USSR also threatened to take action against the colluders, and, through its arms deliveries to Egypt, it was also able to increase its influence and role in the Middle East (BIPPE, 1997, pp. 47ff.; C. SMITH, 2001, pp. 235-250). Thus, in aftermath of the Suez crisis “the limited rivalry between Britain and France was replaced by the global rivalry and conflicting ideologies of the United States and the Soviet Union. The Middle East became another theater in the Cold War” (SHLAIM, 1995, p. 31). The American and Soviet influence differed from that of the British and French; through various alliances, economic aid, military advisors, and weapon sales, the superpowers were indirectly involved in Middle Eastern affairs. Patron-client relationships developed, through which the superpowers vied for influence in the region (LESCH & TSCHIRGI, 1998, p. 3-11). The struggle for influence in the Middle East between the United States and the Soviet Union began when anti-Western revolutions in Egypt and Syria in the 1950s compelled the Soviet Union to expand its influence in the region by signing friendship and mutual assistance treaties with Egypt, Syria, and Iraq. The U.S. reacted to this development with the Eisenhower Doctrine of March 1957, in which American military and economic assistance was offered to those states threatened by communism. Containment of Soviet influence became the primary U.S. objective, and the U.S. saw the region in Cold War terms. This battle of supremacy turned international politics into a zero-sum game, making the region’s conflicts “virtually insoluble with the involvement of fiercely competitive outside powers” (SHLAIM, 1995, p. 32). Soviet influence began to decline in the region in the 1970s, especially after Egyptian President Anwar Sadat expelled his Soviet advisors from Egypt, and relations between the U.S. and Arab governments improved with Sadat’s new policy centered on “his declared view that the United States always holds 99 per cent of the cards in the Middle East” (MANSFIELD, 2003, p. 297). Examples of extensive American involvement in the region during this time are Kissinger’s shuttle diplomacy from 1973 to 1974 and Carter’s active intervention in the Israeli-Egyptian negotiations that resulted in the first peace treaty in the region in 1979, the Egyptian-Israeli Peace Treaty.⁵⁹

⁵⁹ For a detailed account of American involvement in the peace process during the 1970s see QUANDT, 2001, pp. 55-242.

After the fall of the Soviet Union in 1991, the United States became unrivaled and “enjoyed unprecedented influence and freedom to act” in the region and has become the dominant external actor in the Arab-Israeli conflict (HAASS, 2006, p. 4). Many scholars have entitled this phase of American influence in the Middle East “Pax Americana” (SHLAIM, 1995; HUBEL, KAIM & LEMBCKE, 2000). Features of this era of American dominance include the liberation of Kuwait (the Second Gulf War or ‘Operation Desert Storm’), the long-term stationing of U.S. military personnel on the Arabian Peninsula, and active diplomacy in the search for a solution to the Arab-Israeli conflict (HAASS, 2006, p. 4). This sustained involvement in the Middle East emerges from the pursuit of various interests in the region: First, the Middle East is of vital importance to the western world because of its immense oil reserves, leading the U.S. to strive to secure the supply of oil at reasonable prices. Secondly, the U.S. cultivates a ‘special relationship’ with Israel, in which it, in addition to financial and military assistance, guarantees Israel’s existence in the face of existential threats.⁶⁰ Thirdly, the U.S. views the Arab states as a source of international terrorism threatening the national security of the U.S. Lastly, the U.S. has resolved to initiate political and economic reforms in the region in order to desiccate the breeding grounds of international terrorism (JOHANNSEN, 2006, p. 112).

Since the end of the East-West conflict, the U.S. has played an active role in the region as a mediator between the conflicting parties.⁶¹ The administrations in power since 1990/1991 have regarded the U.S. as the sole arbiter in the peace process and rejected third party involvement. On its quest for a peaceful solution to the conflict, the U.S. has assumed various roles in the Middle East: facilitator, broker, stabilizer, and security guard (KAIM, 2000, p. 52-54). As such, it enables negotiations between the parties and indirectly partakes in these, it directly participates in negotiations and applies political pressure to broker compromises as well as to reach substantial results, it stabilizes the situation in times of crises so that the peace process or negotiations are not threatened, and it attempts to secure Israel’s existence. The special relationship with Israel entails a large and important part of U.S. engagement in the Middle East (LIEBER, 1998). Arab states also understand that no other entity has the credibility with Israel that the U.S. does and have come “to accept the dominant role of the U.S. as facilitator and broker in

⁶⁰ The U.S.-Israeli special relationship grew gradually from 1958 onwards; however, it decisively deepened after the Six-Day War of 1967 and especially after the Yom Kippur War in 1973 (BARD & PIPES, 1997; LIEBER, 1998).

⁶¹ For more on the U.S. role in the peace process after 1991 see QUANDT, 2001.

the peace process” (KAIM, 2004, p. 38). Consequently, American participation in and facilitation of the peace process is regarded as extremely important: Authors such as PERTHES (2002a) claim that peace in the Middle East is nearly impossible without American involvement.

The American era, however, has, according to HAASS (2006), come to an end (p. 2). To this point KHALIDI (2006) observes: “The Bush administration has brought the standing of the United States in the Middle East lower than ever before in American history” (p. 216). The most significant cause of this loss of influence has been the Iraq War of 2003 and the resulting occupation of Iraq. Other factors sidelining the U.S. have been “the weakness of Yasir Arafat’s successors, the rise of Hamas, and the Israeli embrace of unilateralism” (HAASS, 2006, p. 5). Nevertheless, despite having lost much of its standing in the region, the U.S. “will continue to enjoy more influence in the region than any other outside power, but its influence will be reduced from what it once was” (p. 5). Thus, other outside powers are likely to challenge the dominant U.S. role in the future, but the U.S. will comparatively still have the upper hand when it comes to facilitating negotiations between the Israelis and the Palestinians.

Aside from the U.S., other actors have assumed marginal roles vis-à-vis the Arab-Israeli conflict. In addition to the role played by the EU, the UN has significantly influenced the course of the conflict. After the British relinquished the mandate over Palestine to the UN, the organization attempted to secure a lasting solution to the conflict in 1947. Yet, during the subsequent crises (in 1948, 1956, 1967, 1973, 1982), “UN activity progressively lost the role of guide in the peace process” and has since been unable to regain the lead (DI MAURO, 2004, n.p.). Nevertheless, through its political decisions (resolutions from the General Assembly and the Security Council) aiming to contribute to the end of violence and a lasting peace in the region, the establishment of organizations and programs for Palestinian refugees to improve their living conditions (UNRWA, UNISPAL, UNCCP, UNSCO), and the deployment of various peacekeeping missions⁶², it has attempted to contribute to a solution to the conflict (HAVLOVA, 2003). Although the UN has repeatedly dealt with the conflict, as evident in the fact that the Security Council adopted 245 resolutions concerning the Arab-Israeli conflict and the

⁶² Examples of UN peacekeeping missions in the Middle East are the UN Truce Supervision Organization (UNTSO) established in 1948 and active still today, UN Emergency Forces (UNEF) I (1956-1967) and II (1973-1979) that were to secure peace between Israel and Egypt and stationed in the Sinai, the UN Disengagement Observer Force (UNDOF) established in 1974 to supervise the disengagement of Israeli and Syrian forces on the Golan Heights, and the UN Interim Force in Lebanon (UNIFIL) established in 1978 to confirm Israeli withdrawal from Lebanon and extended to maintaining the peace along the Israeli-Lebanese border today.

General Assembly 627 between 1946 and 2003, it has relatively limited possibilities to tangibly assume an effective role (DI MAURO, 2004, n.p.). On the one hand, the differences between the permanent members of the Security Council and their veto rights have hindered UN activity, because the U.S. has functioned as a protector of Israel and repeatedly vetoed resolutions contrary to Israeli interests.⁶³ On the other hand, the General Assembly cannot pass binding decisions; it can only criticize or recommend actions, and criticism does not lead to any concrete consequences (JOHANNSEN, 2006, p. 125). Moreover, the repeated condemnation of Israel in General Assembly resolutions has caused Israel to regard the UN as a “pro-Arab and anti-Israeli forum”, effectively disqualifying the UN as a third party to settlement negotiations (AGGESTAM, 1999, p. 80).⁶⁴ Likewise, the peacekeeping missions deployed by the UN have also not been able to contribute to a solution to the conflict. Despite its limits, the role of the UN is by no means insignificant. The UN gives the Palestinians an international forum in which they can promote their cause without resorting to violence and terrorism. With respect to a political solution to the conflict, UN Security Council Resolution 242 of 1967 established the principle of ‘land for peace’, a concept which has become the guiding principle of the peace process and negotiations, even though the UN has not been an initiator of the peace process. Additionally, it also assumes important tasks such as refugee support, the supervision of ceasefires, and the denunciation of human rights violations (JOHANNSEN, 2006, p. 127).

3. The Limitations to European Engagement

The ability of the EU to speak with a single voice in the region is influenced by numerous variables, many of them being external variables such as the conflicting parties’ willingness to cooperate and move towards a solution or other external actors’ degree of involvement. The fact that the EU is only one among many external actors in the Arab-Israeli conflict and peace process makes it difficult for it to assert itself as an actor in the Middle East. For years it has been marginalized in the diplomatic and political efforts

⁶³ According to HAVLOVA (2003), in the time period from 1973-2000, the U.S. vetoed 33 Security Council resolutions against Israel; nevertheless, the U.S. has “supported the Council’s criticism of Israel by its vote of support or abstaining two-thirds of the time” (p. 27).

⁶⁴ Beginning with Resolution 3379 of 1975, which branded Zionism as a form of racism, Israel has felt discriminated against and singled out by the General Assembly. Although this resolution was revoked by Resolution 4686 in 1991, albeit with not a single supporting vote from the Arab states, the General Assembly has repeatedly denounced and condemned Israel actions while refraining from similar criticism towards the Palestinians and Arabs (HAVLOVA, 2003; PERMANENT MISSION OF ISRAEL, 2007). For a list of General Assembly resolutions concerning Israel and the Arab-Israeli conflict see <<http://www.jewishvirtuallibrary.org/jsource/UN/gatoc.html>>.

to produce a substantial peace settlement in the region. This marginalization stems from two sources: Israel's non-acceptance of European mediation as well as the degree of U.S. power in the region and the EU's limited influence on it. Thus, the following section aims to present the external limitations to EU engagement by examining the conflicting parties' positions as well as the U.S. position – as the dominant external actor in the region – towards potential EU involvement in the search for peace in the Middle East.

3.1 The Israeli Position towards the EU

EU influence in the peace process is “mostly constrained due to Israel's deep mistrust towards the EU” (KAIM, 2004, p. 38). The basis for this deep-seated mistrust of and skepticism towards European involvement in the Middle East and the Middle East peace process is the French refusal to militarily support all countries involved in the Six-Day War of 1967: “Israel had regarded France as a key ally until France left Israel alone in the cold in an extremely serious crisis. As a consequence Israel lost complete faith in France – and Europe – and turned to the only alternative ally, the USA” (DOSENRODE & STUBKJÆR, 2002, p. 60). This feeling of abandonment gradually translated into a critical view of European intentions in the region, which the Israelis took to be mostly French intentions. Moreover, Israel regarded the development of the EPC “as having a negative potential”, especially on the member states perceived as traditional allies, and feared that these would reorient their policies away from Israel (GREILSAMMER & WEILER, 1984, p. 132). Israel saw these fears confirmed in the early 1970s when the European position towards the Yom Kippur War of 1973 and the subsequent oil crisis proved, in Israeli eyes, that the EU was influenced by the Arabs and economic motives. Thus, Israel perceives the EU to be pro-Arab or pro-Palestinian still today and claims that this stance is reflected in EU declarations which “repeat many of the pro-Palestinians terms of reference”, fuelling the Israeli perception that the EU is unfair to Israel (see Table 5, p. 111) (SOFFER, 2002, p. 15; see also HARPAZ, 2007, pp. 100-106; DACHS & PETERS, 2004). Few Israeli Jews believe that the EU is fair to each side of the conflict; the majority of Israeli Jews perceive the EU as clearly backing the Palestinians, whereas the Arab minority perceives the EU as being fair or, to a lesser

extent, clearly on the Israeli side. In contrast, the U.S. is perceived as being marginally fair to each side and for the most part fair to Israel.⁶⁵

Table 5 Israeli Public Opinion Regarding the „Fairness“ of Europe and the U.S. towards the Palestinian-Israeli Conflict

	EU-„Fairness“		U.S.-„Fairness“	
	Jews	Arabs	Jews	Arabs
Clearly on the Palestinian side	61%	15%	3%	8%
Mostly on the Palestinian side	23%	4%	6%	3%
Fair to each side	11%	43%	39%	15%
Mostly on the Israeli side	2%	7%	27%	10%
Clearly on the Israeli side	2%	30%	23%	64%
Don't know	1%	-	2%	-
Total	100%	100%	100%	100%

Source: taken from WITZTHUN, 2004, p. 36.

Israel is convinced that the EU represents the Arab position and it does not take Israeli interests into account, because it is too preoccupied with economic issues instead of focusing on Israel's security concerns. In fact, "Israeli attitudes towards Europe have always been harsher and more critical than attitudes towards the USA" (NEWMAN & YACOBI, 2004, pp. 3-4). Statements emanating from the U.S. and the EU that are similar in content with respect to the establishment of a Palestinian state or the end of Israeli occupation and settlement activity are treated differently: The EU statement "is often greeted with a howl of rage and a statement to the effect that this is just another example of European pro-Palestinian bias and, in some cases, reflects latent European anti-Semitism" (NEWMAN & YACOBI, 2004, pp. 3-4). Similarly, Israel claims that the EU more strongly condemns Israeli policy towards Palestinian terrorism directed at Israel than the terrorist activities themselves and views Israeli settlement policies or defense measures as the stimulus for Palestinian terrorism, thereby refuting any PA responsibility (DIETL, 2005, p. 106-107). Such a stance demonstrates, according to Israel, that the EU cannot be a suitable mediator in the conflict. Former Israeli Foreign Minister Silvan Shalom commented to this point: "The EU cannot first support the Palestinian side to 100 percent and then expect to be accepted as an impartial mediator in the conflict" (quoted in RIDDERBUSCH, 2005, p. 5).

In addition to its perception of the EU as pro-Arab, a primary reason that Israel objects to a EU mediatory role is that "the Americans don't like it" (ALPHER, 2000, p. 201). For its part, the U.S. holds the conviction that it must remain the primary political player in the region and has set certain restraints on the EU's involvement in the peace

⁶⁵ According to HARPAZ (2007), the negative view of the EU is not confined to specific sectors of Israeli society; it "is prevalent in wide social, academic and political circles in Israel" (p. 106).

process (see 3.3 of this chapter). As a U.S. ally, Israel “is closely attuned to American wishes on this issue, regardless of the rationale” (ALPHER, 2000, p. 201). Thus, on account of Israel’s special relationship with the U.S., Israel tends to follow the U.S. lead on policy towards EU involvement in the region and has snubbed EU attempts to assume a larger political role. But Israel does not reject a larger role for the EU just because the U.S. is against it. There is a widespread perception in Israel that the EU has tried to force itself into the role of mediator, despite the fact that it has, in comparison to Israel’s favored mediator – the U.S. – very little to offer (HELLER, 1999). From the Israeli perspective, the EU does not have the political clout that could adequately compete with U.S. influence in the region. Moreover, the Europeans have not stood up for Israeli wishes in the peace process as much as the U.S. has. According to STEINBERG (2002), “[i]n sharp contrast to the Americans, Europe has never taken fundamental Israeli security requirements very seriously” (p. 7). As a result, Israel has more confidence in the ability and willingness of the U.S. to assume some responsibility for the risks and possible adverse consequences of Israeli decisions taken as a result of the peace process. Furthermore, Israel fears that a larger EU role would create a political rival for the U.S. (DIETL, 2005, p. 106).

In general, Israel prefers to pursue peace on a bilateral basis and has an aversion to outside mediation; however, if a third party has to be involved then it only accepts the U.S. as a third-party mediator. For this and the above reasons, it has traditionally tried to exclude or at least minimize direct European involvement in the political aspects of the peace process. Israel does, however, welcome European engagement in the economic domain of the peace process; nevertheless, it has repeatedly attempted to limit the EU’s economic role. Out of the Israeli perspective, the EU should only financially and economically support the PA and assume a secondary role while ensuring that its initiatives are complementary and not in competition to those of the U.S. (MUSU, 2003, p. 42). Recently, Israel has openly welcomed a political and security role in the region for the EU by accepting its monitoring mission in Rafah and the military deployment of some member states to southern Lebanon within UNIFIL II. Nevertheless, HARPAZ (2007) contends that “these changes reflect Israeli realpolitik” and the general perception of the EU in Israel – that the EU is an illegitimate broker, because it and a majority of its member states are anti-Israeli and are prone to surrender to Arab interests – remains intact (p. 108).

3.2 The Arab/Palestinian Position towards the EU

In contrast to the Israelis, Arabs and Palestinians have repeatedly expressed interest in active third party mediation. In general, Arabs and Palestinians have specified their preferred mediator to be the UN; however, they have suggested that in lieu of UN involvement the EU could serve as a third party. Particularly in the 1970s as the EC slowly began to act politically on the world stage and the Soviet influence in the Arab world decreased, the Arabs believed that European involvement could balance U.S. influence in the region and facilitate pro-Arab outcomes in the peace process. The Palestinians, for their part, pushed for stronger European efforts towards the resolution of the conflict by attempting to politicize the Euro-Arab Dialogue (see IV.2.3). U.S. involvement was viewed by the PLO as a “form of Western imperialism”, and it therefore encouraged and welcomed an enhanced role for Europe in the conflict (AGGESTAM, 1999, p. 79). In the 1980s the PLO positions towards a political solution to the conflict and the U.S. role in the search for this gradually changed: “American involvement was [increasingly] viewed as more positive and desirable” (AGGESTAM, 1999, p. 79). Thus, since end of the Cold War, the Arabs and Palestinians have come to accept the dominant role of U.S., especially due to its perceived leverage with Israel (KAIM, 2004, p. 38)

Nevertheless, as the EU developed in the early 1990s, the Arabs and Palestinians continued to hope that the EU could serve as a counterweight to the U.S. and would replace the USSR as an advocate for Palestine against the U.S.-Israeli alliance. As early as 1990, the PLO representative to the EC openly called for greater European involvement in the region and emphasized that Europe should assume a more effective role (TONRA, 2001, p. 188). When it is in their interest, the Palestinians have increasingly looked to Europe to provide alternatives to U.S. proposals and to balance the U.S.’s pro-Israel bias. Due to Europe’s growing financial engagement in the region, the Palestinians became even more dependent on an EU presence, because their survival and that of the peace process increasingly relied on EU funding. Nevertheless, the Palestinians “frequently accuse Europe of playing an inadequate political role in the Middle East” (TOCCI, 2005b, p. 7). Such claims stem from the fact that many Arabs and Palestinians are disappointed that “Europe does not seem to operate as the kind of power they had hoped it would be” (HOLLIS, 2005, p. 316). Instead of using its relations with Israel and the U.S. to assume a political role in direct bilateral negotiations, the Arabs perceive the EU as making “no real effort to involve themselves in these negotiations leaving

them completely to the supervision of the U.S.” (GAD, 2003, p. 2). The fact that the EU has seemed to resign itself to an economic role in the peace process has also not set well with the Arab world: “Europe’s surrender in this regard dovetails perfectly with US and Israeli policies, but it conflicts with the Arab stance, which would like to see an active European role given the continent’s substantial interests in the region and the strong ties between security in Europe and the Middle East” (GAD, 2003, p. 2).

Despite the calls for greater European involvement, the Arabs have been cautious of pressuring the U.S. to allow for a greater European role. In fact, according to GERGES (2000), “Arabs themselves have a contradictory vision of the European presence in Middle East power politics” (n.p.). Although they have repeatedly appealed to the EU to become more engaged in the region, “[t]ime and again, Arabs have joined ranks with the United States and Israel to keep Europe out of the real picture of peace negotiations, either by accepting U.S. bullying or by playing *realpolitik* for their own advantage” (GERGES, 2000, n.p.). According to U.S. officials, the European presence and peace initiatives are repudiated by the Arabs, leaving observers to claim “that Europe’s exclusion from active Middle East diplomacy takes place with Arab blessing” (GERGES, 2000, n.p.). Moreover, EU Special Envoy Marc Otte claims that under the leadership of President Mahmoud Abbas the Palestinians are no longer strongly attached to the Europeans: “To the Palestinians President Bush and Secretary of State Rice are still more important than the EU” (BREMER, 2005, p. 6). Nevertheless, since the beginning of the second intifada, the Palestinians view U.S. policy as increasingly one-sided and in favor of Israel. This perception, combined with the weak Arab world, leads the Palestinians to increasingly “look to Europe as the international actor that could best support their cause” (TOCCI, 2005b, p. 7).

3.3 The U.S. Position towards EU Engagement

The overwhelming influence of the U.S. in the region is perhaps the main constraint hindering an enhanced EU role in the region; according to ROBERSON (1998), “[t]he strength of the US position does not give much space to EU/European involvement in the Middle East except to increasingly allow Europe to facilitate the U.S. position at the margins” (p. 11). On the whole, the U.S. has been successful in its efforts to keep other actors from assuming larger political roles in the Middle East: It is the undisputed “sole arbiter in the region, with hardly any challenger to its military or political supremacy” (GERGES, 2000, n.p.). Because the U.S. believes that it “has been and ought to remain

the only external player” (PERTHES, 1997, p. 94), it has been opposed to European involvement since the beginning of European efforts to become more engaged in the search for a solution to the Arab-Israeli conflict. In fact, U.S. administrations have deliberately excluded the EU from the peace process; others have made sure that the EU could not play an independent role: Examples of such behavior can be found in the late 1970s and 1980s as subsequent U.S. administrations (Carter and Reagan) explicitly requested EC member states to refrain from engaging in the Middle East and to unconditionally back U.S. policies and diplomacy (AOUN, 2003, p. 297). Similarly, although the EC expressed its desire to play an active political role during the Madrid peace conference in 1991, the U.S. only accorded it with observer status.

U.S. grounds for the exclusion of the EU in the peace process are plentiful. The acute differences between the U.S. and European approaches to peacemaking and the Palestinian issue in the 1970s and 1980s initially encouraged the U.S. propensity to exclude Europe from political participation. While the U.S. followed a step-by-step approach based on bilateral agreements in which the parties directly involved were to agree on solutions, Europe favored multilateral negotiations under the auspices of the UN and actively expressed its idea of what the final solution to the conflict should be (SOETENDORP, 2002, p. 284). Due to the EC/EU’s vocal skepticism towards the U.S. approach during this time period, the U.S. felt that Europe had nothing productive to contribute to the peace process (HAASS, 1997, p. 66). Aside from accepting Israel’s position of the EU being an unacceptable mediator, the U.S. also holds the view that the EU is unable to adequately resist Arab pressure in light of its dependency on the Arab states for oil, investment capital, and export markets. This dependency, in the opinion of the U.S., causes Europe to “eliminate obstacles to commerce through political accommodation” (MUSU, 2003, p. 41). The pro-Arab or pro-Palestinian stance resulting from such policy choices causes U.S. policy-makers to doubt Europe’s ability to play a positive political role in the peace process and to be a political mediator acceptable to all parties (AMBOS & VON BEHR, 2004, p. 312). In U.S. eyes, EU statements reflecting its pro-Arab and pro-Palestinian position provoke Israel to resist external pressures to negotiate compromises, while the Arab and Palestinian leaders are concomitantly encouraged to stand firm in their demands, increasing Israel’s unwillingness to negotiate. Thus, such statements and actions by the EU are regarded by the U.S. as “‘meddling’ that only complicates the already difficult task of promoting political progress among the local parties” (HAASS, 1997, p. 62; see also STEIN, 1997).

U.S. rejection of an increased political role for the EU in the Middle East is not the only factor limiting EU engagement. The U.S. role in Europe's security still significantly influences the degree of European autonomy in foreign policy-making, especially in such an issue as the Middle East with all its potential to damage transatlantic relations (most prominently seen during the run-up to the U.S. invasion of Iraq in 2003). Because the transatlantic relationship is generally more important to the EU than an independent European initiative in the Middle East, which the U.S. openly rejects, the EU often succumbs to U.S. pressure and weakens the content of its initiatives in order to avoid a rift with the U.S. (MUSU, 2003, p. 41). Dependence on the U.S. thus presents a further challenge to European ambitions of playing a larger political role in the Arab-Israeli conflict.

After the Madrid peace conference in 1991, the EU came to accept the predominant role of the U.S. and the fact that the U.S. remains the main mediator between the Arab parties and Israel. All U.S. administrations (Bush Sr., Clinton, and Bush Jr.) in this time period have additionally been adamantly clear that the U.S. is the sole arbiter and have continued to sideline third party involvement (KAIM, 2004, p. 41).⁶⁶ Instead of active political involvement in the peace process, the U.S. prefers the EU to focus on the economic side of the process and believes "that [this] economic support and diplomatic flanking provided by the EU is important and in many respects indispensable" (AMBOS & VON BEHR, 2004, p. 312). This division of labor established in Madrid, frequently referred to in a player-versus-payer dichotomy (see ASSEBURG, 2001; KAIM, 2004) has continued as the U.S. attempts to maintain its role in the peace process without competition or counterbalance from other actors. As Europeans have come to acknowledge the dominant role of the U.S. and the fact that the EU does not have the institutional capability or capacity to realistically compete with the U.S. for a political role in the region, "'complementarity, not competition' has become the guiding principle of today's European policy towards the Israeli-Palestinian conflict" (KAIM, 2004, pp. 41-42). Thus, Europe can only pursue a very limited policy when it comes to the political aspects of Arab-Israeli peace-making, a policy that must fit within the framework the U.S. has set.

⁶⁶ Despite George W. Bush's initial reluctance to actively involve the U.S. in the Middle East, he later emphasized "that Europe was expected to remain at the sidelines of the peace process" (KAIM, 2004, p. 41). This is also reflected in the dominant U.S. role in the Middle East Quartet (see IV.3.3) and in its efforts to reinvigorate the peace process at the Annapolis conference in late 2007.

IV. EUROPEAN POLICY TOWARDS THE ARAB-ISRAELI CONFLICT

The following chapter focuses on the evolution of European policy towards the Arab-Israeli conflict. The path towards a common European policy vis-à-vis the conflict is characterized by the gradual convergence of the EC member states' initial contradictory stances to a more or less common position. This chapter therefore begins with a brief overview of these diverging positions at the beginning of EPC, whereupon the focus falls on French, British, and German policy towards the conflict in the time span between the end of World War II and the establishment of EPC in 1970. The analysis of the policies of these three particular member states is crucial, because they are the only member states that have more or less pursued autonomous policies in the Middle East (DOSENRODE & STUBKJÆR, 2002, p. 83). This chapter then continues with an analysis of the development of a common policy within European Political Cooperation. Such an examination of this evolution sets the stage for the subsequent analysis of European policy towards the conflict since 1993 and the coming into power of the Treaty of Maastricht's provisions. The third and final section of this chapter thus analyzes the development of the European role in the region since 1993, focusing on its path from marginalization in the peace process to its increased participation in the search for a solution to the Arab-Israeli conflict. Rounding out the examination of European policy towards the conflict since 1993 is an overview of French, British, and German policy as components of European policy.

1. 'European' Policy towards the Arab-Israeli Conflict before 1970

The Palestinian problem of the 1950s and 1960s and the Arab-Israeli conflict were not topics within the EC during the first decades of its existence. Of the conflicting parties, the EC established economic ties strictly with Israel in a trade agreement in 1964. Because there was no mechanism for foreign policy consultation in the EC before 1970, the member states were free to pursue their own interests and policies in the realm of foreign policy as they saw fit. This resulted, naturally, in a myriad of different positions among the member states towards the Arab-Israeli conflict. A fine example of the divergences in the positions of the EC member states prior to 1970 is their uncoordinated reaction to the Six-Day War of 1967. Whereas France strongly supported the Arabs and vigorously condemned Israeli actions; Germany fervently proclaimed 'neutrality' but in

fact backed Israel. Great Britain also reacted with a somewhat pro-Israeli position (GREILSAMMER & WEILER, 1984, p. 131; BIPPES, 1997, pp. 56-57; GLÖCKLER-FUCHS, 1997, pp. 182-183; DOSENRODE & STUBKJÆR, 2002, p. 82; SCHÄFER, 2004, p. 47). It is, thus, fitting to briefly examine the positions of the member states towards the conflict before the EPC was established.

1.1 French Middle East Policy

French policy towards the Middle East after World War II was heavily motivated by the wish to maintain its influence and power in the region and the world. Specifically since the Suez debacle of 1956, France aimed at becoming a third power in the Middle East in order to counteract Soviet and U.S. influence in the region (HUBEL, 1985, p. 2). An additional objective of French Middle East policy, especially in the 1950s, was to maintain its position in North Africa and retain its Algerian colony (GLÖCKLER-FUCHS, 1997, p. 156).

In the post-war years, France pursued, according to GLÖCKLER-FUCHS (1997), a “firm pro-Jewish policy” (p. 182). The roots of this policy can be found in the cooperation between the French Résistance and Jewish organizations such as Haganah during World War II, which gradually developed into French support for the fledgling Israeli state; French weapons contributed, for instance, to Israel’s territorial gains in its 1948 War of Independence (HUBEL, 1985, p. 3; GLÖCKLER-FUCHS, 1997, p. 155). The relationship between France and Israel intensified after the Suez War of 1956, after which both attempted to compensate their isolation – Israel due to non-recognition by its Arab neighbors; France as a result of its problems in Algeria – in the Middle East through cooperation. France felt that it had been abandoned by its Western allies as a result of its collusion with Great Britain and Israel in the Suez War and its actions in Algeria. Moreover, these actions had made France an enemy of Arab states. Israel, on the other hand, needed military assistance in its conflict with the Arab states and found a willing partner in France (GLÖCKLER-FUCHS, 1997, pp. 155-156). Both Israel and France regarded Egyptian President Gamal Abdel Nasser as the largest threat to their respective interests in the Middle East, and France increased its arms deliveries to Israel. Beginning in 1956 France even began to assist Israel in developing nuclear weapons, and the cooperation in nuclear matters was intended to make Israel independent from external assistance (HUBEL, 1985, p. 4).

After the end of the Algerian War in 1962, which had been a main reason for establishing close ties with Israel, France began to gradually reestablish its former ties with the Arab world, especially with the Arab Mediterranean littoral states (HUBEL, 1985, p. 4). Under the leadership of President Charles de Gaulle, French Middle East policy underwent a strategic change after the Algerian War. De Gaulle wanted to restore and expand France's global influence by establishing a global policy profile independent of the U.S. and the USSR. The Middle East thus became an important arena for France to express its claim for great power status, i.e. French 'grandeur'. This strategy included the search for an international solution to the conflict in the Middle East and the improvement of relations with the Arab world without damaging relations to Israel (DOSENRODE & STUBKJÆR, 2002, p. 59). As the U.S. began to support Israel more and more during the presidency of Lyndon B. Johnson, de Gaulle began to increasingly restore France's former ties with the Arab world (GLÖCKLER-FUCHS, 1997, p. 156).

Although France's "nouvelle politique arabe" became more apparent during the 1960s, the ultimate break with the old pro-Jewish policy occurred during the Six-Day War of 1967 (GLÖCKLER-FUCHS, 1997, pp. 154-158 and p. 167). During the war France refused military support to all countries involved, including Israel, which de Gaulle openly condemned as the instigator of the 1967 war.⁶⁷ At a press conference on November 27, 1967, de Gaulle introduced his new foreign policy course towards Israel and the Palestinians by announcing three conditions for a global solution to the conflict: The French president demanded that Israel withdraw from all territories occupied during the war, that the state of war between the conflicting parties cease, and that all states in the region receive mutual recognition (GLÖCKLER-FUCHS, 1997, pp. 157-158). Extremely influential in this change of policy was the wish to secure the Arab oil supply to an oil-dependent Europe (BIPPES, 1997, p. 56). Thus, since the Six-Day War of 1967, France's Middle East policy has been the most "Arab-friendly" of the Western states (HUBEL, 1985, p. 18). This new foreign policy course heavily influenced – as will be seen later – the foreign policy line of EPC, which France wanted to use as a vehicle for an independent European role in the world.

⁶⁷ Consequently, Israel felt betrayed by the French and has since been mistrustful of French intentions and actions in the region. This deep-seated mistrust has been translated into skepticism towards a European role in the region. See Chapter III.3.1.

1.2 British Middle East Policy

British relations to the Middle East are, as are France's ties, influenced by its colonial past and the ties resulting from this past. According to EDWARDS (1984), "British interests in the Middle East derived overwhelmingly from the conquest of India" (p. 47). By securing its influence in the region, Great Britain was able to protect its supply and trading routes to India via the Gulf and the Suez Canal. Another major interest was the supply of Arab oil to Britain. These interests combined to form a pro-Arab policy during and after World War II (GLÖCKLER-FUCHS, 1997, p. 160). Britain's weak position after the war, however, caused it to lose influence in the Arab world. Because Britain also had no contacts to Israel, it had essentially no possibilities of influence in the region; therefore, London decided to subordinate to U.S. policy in the region (GLÖCKLER-FUCHS, 1997, p. 160). Consequently, British Middle East policy was influenced heavily by its special relationship with the U.S. (GLÖCKLER-FUCHS, 1997, p. 158).⁶⁸

British policy towards the Middle East has been characterized as "consistent, with occasional swings" (EDWARDS, 1984, p. 51), but also as contradictory and ambivalent (DOSENRODE & STUBKJÆR, 2002, pp. 82 f.). Until 1949 British policy can be defined as clearly pro-Arab. The aim of this policy course was to maintain its hegemony in the Middle East. Once Great Britain decided to subordinate to U.S. policy and to establish contact with Israel, it attempted to pursue a balanced, or even-handed, policy towards the conflicting parties in the region (GLÖCKLER-FUCHS, 1997, p. 182). By pursuing such a policy, the British wanted to keep their foot in the door as a possible mediator in the conflict and hoped to secure Western influence in the region.

The Suez Crisis of 1956 "marks a fundamental change in Britain's relations with Israel" (SPYER, 2004, n.p.). A strong Israel became a primary British interest in the region, and Britain began to sell arms to Israel in 1960. Great Britain desired stability in the region and wanted to prevent the outbreak of regional war. The Suez Crisis, however, also clearly demonstrates the ambivalence in British policy. Although Great Britain colluded with France and Israel to provoke Egypt and other Arab states, it was able to reestablish and maintain friendly ties with the conservative Arab states in the region. Similarly, British policy in the wake of the Six-Day War of 1967, although es-

⁶⁸ This 'special relationship', a term coined by Winston Churchill to describe British-American relations, developed out of the overlapping national interests and shared outlooks among policy elites during World War II and was consolidated during the Cold War era, making policy approaches largely compatible, especially in light of the common strategic interest in countering Soviet influence (see CALABRESE, 2001).

entially pro-Israeli, showed signs of ambivalence and contradiction. Whereas “senior elements in the political echelon” sympathized with Israel “on a moral and ideological level” and were opposed to “Soviet-associated elements”, the Foreign Office stressed that preserving the relationship with Arab countries better served to protect British interests (oil, control of transit routes, Soviet containment) and overt support for Israel should be avoided (SPYER, 2004, n.p.)

Despite all efforts to treat the Arabs and Israelis equally, British Middle East policy continued to maintain its pro-Arab tendencies. This position seemed to be moderate and not as pro-Arab as the French position (GLÖCKLER-FUCHS, 1997, p. 182). EDWARDS (1984) characterizes the British position towards the conflict as “midway between those of the French and Italian on the one hand and the Germans on the other” (p. 56). In 1969, as Edward Heath and the Conservatives rose to power, the pro-Arab tendency in British policy persisted due to the priority Heath set on good relations with forces in the Arab world (SPYER, 2004).

1.3 German Middle East Policy

German governments from the 1950s onwards have not pursued or been able to develop a consistent policy towards the Arab-Israeli conflict (BUETTNER, 2003, p. 115). In fact, German Middle East policy must grapple with many special dilemmas. On the one hand, German Middle East policy must be seen in the context of German history and the legacy of its Nazi past, which results in Germany’s sense of moral responsibility towards Judaism and its special relationship with Israel. On the other hand, German economic interests are focused on the Arab world as a primary export market and the main supplier of oil. Furthermore, German policy is additionally determined by its special relationship with the U.S. Heavily dependent on the U.S. military presence and its nuclear guarantees during the East-West conflict, Germany was cautious to avoid disagreement with the U.S. over policy issues.

In the immediate post-World War II era, the Middle East was regarded as a far too sensitive area in which to be engaged politically for West Germany. As a result of its past and as a way to demonstrate its rejection of National Socialism and to regain international recognition, the nascent West German state focused its policy on ‘Wiedergutmachung’, the monetary compensation of the Holocaust victims enshrined in the 1952 Luxembourg agreement between West Germany and Israel. In addition to the restitution payments to the victims, West Germany also provided Israel with economic aid and

secretly delivered arms to Israel from 1957 to 1963 – seemingly at the instigation of the U.S., being as the Americans did not want to directly supply Israel with weapons because of the arms embargo it imposed against Israel after the Suez Crisis in 1956. Official diplomatic relations were not established, but in light of German history, there were really “no policy options for West Germany in the Middle East but to support Israel” (BUETTNER, 2003, p. 126). This support became the dominant feature of West German policy towards the Middle East, and Israel continually demanded that German policies reflect the special obligations Germany had towards the Jews.

The revelation of the secret arms deliveries to Israel, however, infuriated the Arabs, who had regarded Germany as a “natural ally”, due to its former status as the rival of Great Britain and France in the Middle East at the beginning of the 20th century (HUBEL, 1992, p. 43). During the First World War, the Arabs had hoped that Germany would emerge victorious and liberate them from their colonies. After World War II, West Germany, despite its obligations to Israel, was able to maintain good relations with the Arab states and saw the Arab world as a promising market for German exports and as an important supplier of oil. West German interaction with the Arabs remained purely economic and Germany refrained from supporting the Arabs in the Palestine issue, because “it touched upon consequences of the German past and thereby upon one of the impeding factors in German policy, which always would work in favor of Israel” (BUETTNER, 2003, p. 129). On the other hand, West Germany refrained from normalizing relations with Israel out of the fear that the Arab states would boycott German products or establish diplomatic relations with the German Democratic Republic.⁶⁹ According to BUETTNER (2003), the U.S. seemed “to have cautioned against German steps in the Middle East that might unfavourably affect German-Arab relations” (p. 129). The relatively good German-Arab relations were, for the U.S., a way to maintain Western influence in an Arab world otherwise heavily influenced by the USSR.

When the West German arms deliveries to Israel became public in October 1964, Egyptian President Gamal Abdel Nasser, the leading voice in the Arab League, invited East German party leader and president of the State Council, Walter Ulbricht, to Egypt

⁶⁹ The West German attempts to internationally isolate the regime in East Germany contributed heavily to its policy in the Middle East. Under the Hallstein Doctrine, a key doctrine of West German foreign policy from 1955 to 1969, in which West Germany claimed to have the exclusive right to represent all Germans, the Federal Republic of Germany would sever or refrain from establishing diplomatic relations with any state that recognized East Germany, with the exception of the USSR. Due to the Soviet influence in the Arab world, the West German government feared that any move against the Arabs would result in their recognition of East Germany, thereby downgrading West German claims to be the representative of all Germans (WEINGARDT, 2002).

in early 1965 in order to demonstrate his displeasure with the West German government's policy. West German Chancellor Ludwig Erhard unsuccessfully tried to persuade Nasser to revoke his invitation to Ulbricht by offering to halt the deliveries and reminding him of the consequences of recognizing East Germany under the Hallstein Doctrine. Because of the outrage in the Arab world due to the secret arms deliveries, Erhard replaced the arms deliveries for Israel with loans for economic assistance. This, in turn, infuriated the Israelis, who were in dire need of weapons, because the U.S. and France had imposed an arms embargo against Israeli after the Suez Crisis in 1956. Consequently, Erhard discontinued aid for Egypt (but did not sever diplomatic relations as called for under the Hallstein Doctrine) and began to strive for the establishment of official diplomatic relations with Israel, which, of course, angered the Arabs. After West Germany announced the establishment of diplomatic relations with Israel on May 13, 1965, all Arab governments recalled their ambassadors from Bonn, and ten out of thirteen severed diplomatic ties, resulting in an all-time low in German-Arab relations that continued through 1967 war, when German public opinion reached the peak of its support for Israel (BUETTNER, 2003, pp. 133-134, WEINGARDT, 2005, p. 24-25).⁷⁰

As demonstrated above, the German dilemma in the Middle East becomes quite apparent: "[B]oth parties to the conflict were important for Germany, but neutrality in the conflict and fairly good relations with either side [...] proved to be difficult" (BUETTNER, 2003, p. 128). For this reason, Bonn pursued a "cautious policy" towards the Palestine conflict, and although the official position, for example in the 1967 war, can be characterized as one of "benevolent neutrality", West German policy towards the Middle East remained "essentially pro-Israeli" (HUBEL, 1992, p. 43; GLÖCKLER-FUCHS, 1997, p. 172).⁷¹ In 1969, the new West German government under Chancellor Willy Brandt sought to formulate a new policy towards the Middle East based on 'even-handedness' (Ausgewogenheit). This was to be a balanced policy that would allow Bonn to simultaneously maintain equal relations with Israel and the Arabs. 'Even-handedness' thus became the guiding principle of German Middle East policy in the following years. The decisive shift to a more balanced approach, however, first materialized in connection with the European efforts within EPC to reach a common position

⁷⁰ Diplomatic relations with these Arab States were restored at the latest by 1974, and not one officially recognized the German Democratic Republic (WEINGARDT, 2005, p. 25).

⁷¹ This can be seen in the delivery of gas masks and semi-trucks to Israel that formally were for civil protection and the fact that Germany silently tolerated U.S. arms deliveries to Israel via Germany for quite some time before eventually prohibiting these (WEINGARDT, 2005, p. 26).

and the oil crises of the 1970s (HUBEL, 1992, p. 43; GLÖCKLER-FUCHS, 1997, p. 172). During the 1970s, West German governments were able to gradually develop a more 'pro-Arab' stance by supporting the Palestinian right to self-determination,⁷² whilst claiming at the national level that their position towards Israel had not changed; thus, EPC provided West Germany with a tool to balance Arab demands, Israeli protests, and American misgivings. In this sense, "Bonn sometimes saw its special mission as reconciling the quest for an 'independent European position' with the American approach and Israeli sensitivities," two of the main determining factors of German Middle East policy (HUBEL, 1992, p. 45).

2. The Development of a Common Middle East Policy within the EPC

The various member state positions towards the conflict, especially towards the Six-Day War of 1967, confirmed the urgent necessity of foreign policy cooperation between the EC member states. The lack of a common position toward the situation in 1967 is regarded as one of the primary reasons the member states established consultations in the field of foreign policy. The mutual conviction of the heads of state and government as well as the necessity of foreign policy cooperation led at the Hague Summit in 1969 to the decision to create a common framework for political cooperation. The heads of state and government intended to support the EC's progress and increasingly influential economic measures and programs with political measures. The Belgian diplomat Etienne Davignon was commissioned to draft suggestions for improved political cooperation. The subsequent report was adopted on October 27, 1970, in Luxembourg and established the European Political Cooperation (EPC).

The content of the foreign policy cooperation within EPC was characterized not by the member states' mutual efforts to actively pursue policies, but more by their reactions to events that directly affected them. For this reason the CSCE and the situation in the Middle East became the two central topics of EPC at the first consultation meeting on November 17, 1970, in Munich. The Middle East was added to the agenda at France's request. In contrast to CSCE policy, the attempts to design a common Middle East policy were very difficult, due to a missing common domestic and foreign policy basis. At the meeting in Munich, the different positions of the member states seemed incompatible (JAWAD, 1992, p. 59). This first meeting ended without a consensus on the future direction of a common policy towards the Arab-Israeli conflict. Doubt about the ability

⁷² In the 1970s the "new Leitmotiv" of German Middle East policy was its focus on Palestinian rights, especially the Palestinian right to self-determination (STEINBACH, 1984, p. 93)

to bring the member states' position to a common denominator arose as well as the fear that the differences of opinion towards the Arab-Israeli conflict could disrupt the progress in the cooperation on East-West relations (REGELSBERGER, 1989, p. 34).

2.1 The First Attempt: The Schumann Document of 1971

At the beginning of 1971, France increasingly attempted to convince the other member states that a common position on the situation in the Middle East was essential. In February 1971 the EPC Political Committee even discussed publishing a common document on the Arab-Israeli conflict; yet, sharp divisions between the member states arose. Among other issues, the refugee problem, the establishment of demilitarized zones between the conflicting parties, the composition of military units to be stationed in the region, and the status of Jerusalem were the main points of contention between the member states (JAWAD, 1992, p. 60).

Despite the diverging positions of the member states, efforts towards a common statement were translated into action. The foreign ministers agreed on a Political Committee report at their Paris meeting from May 13 to 14, 1971. This working paper, known as the Schumann Document⁷³, represented Europe's first attempt to formulate a common position towards the Arab-Israeli conflict and a possible solution. The Schumann Document was based on UN Security Council Resolution 242, in which an Israeli withdrawal from the territories occupied in the Six-Day War of 1967 was demanded as well as the respect and recognition of each state's sovereignty, territorial integrity and political independence in the Middle East; their right to live in peace; and a fair solution to the refugee problem. Furthermore, the member states voiced their support for the establishment of demilitarized zones between Israel and its Arab neighbors as well as "puffer zones at certain places", where UN units should be stationed (POLITICAL COMMITTEE, 1971). In addition, Israel was called to withdraw from all territories occupied since 1967; however, small border modifications would be taken into consideration. The document also pushed for the "administrative internationalization" of Jerusalem. In comparison to Resolution 242, the Schumann Document contained concrete suggestions for the solution of the refugee problem: The EC demanded the establishment of an international commission to control and guarantee the "phased return" of the refugees or their "resettlement in other states, including compensation".

⁷³ The working paper was named after then French Foreign Minister Maurice Schumann because of his decisive role in the formulation of the document.

The French influence seems to be decisive in the composition and formulation of the working paper. Indeed, this paper was undoubtedly influenced by the French position towards the Middle East and was likely an attempt by France to pursue its national interests with the EPC framework (BIPPES, 1997, p. 59). Reflecting France's pro-Arab position, the interpretation of Resolution 242 inherent in the Schumann Document was in favor of the Arab perspective (REICH & COQUILLION, 1987, p. 162). However, due to German, Italian and Dutch reservations, the document was never officially published and was to be regarded as confidential (DOSENRODE & STUBKJÆR, 2002, p. 82). Nevertheless, the document somehow fell into the press's hands, and the German daily newspaper, *Die Welt*, published its contents immediately after the meeting.

Whereas the Arab states welcomed the document, it came under heavy criticism in Israel. The Israeli skepticism was based on the fear that the EC would assume a pro-Arab position in light of its dependence on Arab oil and the extent of French influence among the Six. Furthermore, the Israelis were of the opinion that the EC was not able to contribute to an effective solution because it lacked military power. Not only was Israel of critical of the document, in the USSR and in the U.S. it was also meet with disdain. These countries were of the impression that the EC was attempting to initiate an independent negotiation position (BIPPES, 1997, pp. 60 f.). Even in Europe the document was criticized. In addition to the pro-Arab position, the general feeling was that this paper resulted from European dependence on Arab oil resources. Moreover, the implementation of its recommendations was seen as slim because of the lack of European strength and resources (REICH & COQUILLION, 1987, p. 163). Even the member states were at odds over the status of the document. Whereas the document was regarded as official in France, Germany described it as in informal working paper (DOSENRODE & STUBKJÆR, 2002, p. 81). The French government saw the document as a "diplomatic triumph for its efforts to have a common position" towards the Arab-Israeli conflict (JAWAD, 1992, p. 60). The West German Foreign Minister Walter Scheel, on the other hand, downplayed the convergence of the member state positions in Paris by calling the document simply a working paper that was far from the approval of all member states. Furthermore, he emphasized the differences between the French and the West German position and stressed that Bonn supported the American and British interpretation of Resolution 242, not the French (JAWAD, 1992, p. 61; BUETTNER, 2003, p. 144). Although West Germany was able to restore Israel's trust in its policy by essentially withdrawing from the common position, the publication of the

document obviously complicated West Germany's efforts to move from a pro-Israel position to a more balanced stance towards the conflict (REGELSBERGER, 1989, p. 35).

Despite the discord after the unintended publication of the Schumann Document, it represents an important step in the further development of a common 'European' position towards the Arab-Israeli conflict, in which the initial ability of the member states to merge their interests and positions regarding the conflict became evident. The following years did not see much progress towards a common stance, but the Schumann document certainly laid the foundation for further common positions in EPC.

2.2 The First Official Common Declaration: Yom Kippur and the Oil Crisis of 1973

The foreign policy cooperation between the EC member states was again put to the test when Egyptian and Syrian troops crossed the ceasefire lines and entered Israeli territory on October 6, 1973. This militarized conflict between Israel and its neighbors was worriedly observed by the EC, to which Denmark, Ireland, and Great Britain now also belonged.⁷⁴ On the one hand, the EC member states feared a direct confrontation between the U.S. and the USSR resulting from the events in the Middle East. The U.S. supported Israel and began to supply weapons to its ally, while the USSR supported the Arab side. During the war the superpowers competed with each other to achieve a ceasefire, and a direct confrontation seemed inevitable when the Soviets threatened unilateral action and in response the American military was put on high alert (JAWAD, 1992, pp. 63ff.).⁷⁵ On the other hand, the Europeans feared the disruption of their oil supply from the Arab states (BIPPES, 1997, p. 73). The oil crisis began with an increase in the oil price by OPEC⁷⁶ during its meeting in Kuwait on October 16, 1973. Although the OPEC countries contended that the price increase was not connected to the Arab-Israeli conflict, one day later they decided to use oil as a political weapon and resolved to reduce oil production by 5 percent until Israel withdrew from the territories occupied since 1967 and the legitimate rights of the Palestinians were restored, or until

⁷⁴ The accession of Great Britain to the EC "seemed to reinforce [the EC's already apparent] Arab orientations" (GREILSAMMER & WEILER, 1984, p. 132).

⁷⁵ This feared confrontation between the superpowers never materialized, and a ceasefire between Israel and the Arabs was declared on October 22, 1973

⁷⁶ OPEC was created in 1960 by the oil-producing Arab countries of Iran, Iraq, Kuwait, Saudi Arabia, and Venezuela. In 1973, OPEC members included in addition to the founding members Qatar, Indonesia, Libya, the United Arab Emirates, Algeria, and Nigeria.

the economic situation in the OPEC countries was no longer conducive to the continuation of reduced production. Moreover, the consumers of Arab oil were divided into three groups in the wake of the OPEC oil embargo: The friendly or pro-Arab states, which included France and Great Britain, were not included in the oil embargo; the neutral states (including Germany) were confronted with a partial embargo; and against the hostile states such as the U.S. and the Netherlands a total embargo was imposed. On October 19, 1973, the Arab OPEC members further cut their production by 10 percent and once again decided to reduce production – this time by 25 percent – during a meeting on November 4-5, 1973 (JAWAD, 1992, pp. 63ff.). In December 1973, however, the Arab oil ministers agreed not to continue the production cuts and partially reversed them.

This conflict between Israel and its neighbors and the resulting oil crisis led to an attempt to produce a common European Middle East policy towards the Arab-Israeli conflict. A common European approach was seen as increasingly necessary, especially in light of the oil embargo and the obvious dependence of the industrialized nations on Arab oil reserves or on countries with abundant natural resources. It became evident that the EC member states pursued similar interests in the Middle East, namely to secure the oil reserves for their own use. First and foremost, all member states exhibited an enormous dependence on Arab oil. For this reason, the stabilization of the region was in their interest in order to secure the oil supply and to prevent the regional conflict from escalating to a global conflict. Secondly, they aspired to maintain and support the region as a trading partner. A third mutual interest was the containment of Soviet influence in the region. Finally, normative aspects of Israel's right to security and of the Palestinian's future seemed to be of importance, although the latter played a significantly lesser role (DOSENRODE & STUBKJÆR, 2002, p. 85.). In this context, the EC, under French and British pressure, issued a "vague call" to end the conflict on October 13, 1973 (GLÖCKLER-FUCHS, 1997, p. 194). The EC hoped that a solution to the conflict in the spirit of Resolution 242 would emerge from a ceasefire. This declaration was the first official EPC statement on the Arab-Israeli conflict (BIPPES, 1997, p. 74f.).

Despite this first statement on the situation in the Middle East, the member states' first reactions to the Yom Kippur War were confusing, chaotic, and uncoordinated. After the onset of hostilities on October 6, 1973, they were not able to reach a common position. The French government criticized the role of the U.S. and the USSR in the conflict and suggested that France and other members of the UN Security Council be included in the

peace efforts. Furthermore, the French government did not support the U.S. armament of Israel. Great Britain stressed the necessity of a fair and lasting peace that did not allow Israel to retain claims to Arab lands and the occupied territories. It also disapproved of the U.S. attempts to arm Israel.⁷⁷ Conversely, the Federal Republic of Germany did not directly reject Israel's armament and allowed the Americans to use their Air Force bases in German territory to deliver weapons to Israel. Only when the situation threatened the neutrality of the West German Middle East policy did West Germany prohibit the U.S. from using these bases for arms deliveries to Israel (cf. JAWAD, 1994, p. 69ff.). In addition to reacting individually to the occurrences in the Middle East, the EC member states disagreed on how to reach a unified approach. Whereas Great Britain and France demanded immediate consultations on the situation, other member states wanted to take the UN path (GLÖCKLER-FUCHS, 1997, p. 194).

Once again, France's efforts at formulating a common policy towards the conflict are to be highlighted. Through its efforts the French government significantly contributed to the further development of Middle East policy within the EPC framework. The EC member states reacted to a letter to the heads of state from French President Pompidou dated October 31, 1973, in which Pompidou explicitly supported the formulation of a common European position towards the Arab-Israeli conflict (JAWAD, 1992, 70). Even West German Chancellor Willy Brandt did not exclude the prospect of a common initiative in the Middle East in a speech to the Bundestag at the end of October 1973 (BIPPES, 1997, p. 76f.). As a result, the Council of Ministers adopted a statement on the Middle East conflict on November 6, 1973, marking a definite change in the European Middle East policy in the EPC framework to a French-inspired pro-Arab position (DOSENRODE & STUBKJÆR, 2002, p. 86).

This declaration, derived from a joint British-French draft, was based on Resolution 242 as well as on UN Security Council Resolution 338 from October 22, 1973, which largely reflected the content of Resolution 242. Furthermore, the EC demanded a solution to the conflict under the aegis of the UN. Although the member states emphasized that this common statement was neither pro-Arab nor anti-Israel, pro-Arab accents were recognizable. In the third part of the declaration, which represents the most important part, the pro-Arab position and hence the French position becomes clear. In this section the consideration of the "legitimate rights of the Palestinians" as a prerequisite for the "creation of a fair and lasting peace" was emphasized for the first time from the Euro-

⁷⁷ The special relationship between the U.S. and Great Britain was less important for Prime Minister Heath than for his predecessor and successor (GLÖCKLER-FUCHS, 1997, p. 298).

pean side (COUNCIL OF MINISTERS, 1973). The reference to the legitimate rights of the Palestinians was innovative, because until then only the Arabs had stressed this aspect (DOSENRODE & STUBKJÆR, 2002, p. 86). By this choice of wording, the ‘refugee problem’ in Resolution 242 became a ‘Palestinian problem’, a problem of a Palestinian people that should be seen as such and not as refugees in negotiations and in a solution to the conflict (BIPPES, 1997, p. 78). Since this declaration all subsequent common declarations on the Middle East reflect the EC member states’ acceptance of France’s political line, especially concerning the Palestinian issue (IMPERIALI & AGATE, 1984, p. 4).

The statement of November 6, 1973, was a significant step in European foreign policy cooperation. The member states were, however, still far from a concrete common European contribution to a solution to the Middle East conflict in terms of content and did not increase their political influence in the region with the statement, but they were able to agree on a common position to the Middle East. Furthermore, the Brussels Declaration also demonstrated an internal dimension of the EPC, “namely the ability to shift the forum of foreign policy-making outside the national capitals” (GREILSAMMER & WEILER, 1984, p. 135). In doing this they were able to avoid possible internal restraints and claimed European unity to be the “justification for a posture which might not have been possible for a government to adopt independently at home” (GREILSAMMER & WEILER, 1984, p. 135).

Naturally, Israel and the Arab states differed in their assessment of the common declaration. The statement was a disappointment for Israel as Israel saw Europe as being blackmailed by the Arab states and their use of oil as a political weapon. The Israeli Foreign Minister Abba Eban summarized the Israeli reaction to the declaration on November 9, 1973, as follows: “Oil for Europe and not peace in the Middle East” (JAWAD, 1992, p. 76). The Arabs reacted positively to the declaration and ended the embargo for Europe on November 18, 1973 with the exception of the embargo for the Netherlands. The Arab governments saw the declaration as a large step towards a common European position towards the Arab-Israeli conflict. They emphasized that the declaration would bring in a new era of European-Arab friendship, an era which subsequently materialized in the Euro-Arab Dialogue (EAD).

2.3 The Euro-Arab Dialogue

As early as 1972, the European Commission was interested in establishing a dialogue with the Arab oil states. In an October 1972 memorandum to the Council of Ministers, the Commission suggested establishing such an exchange. This attempt failed due to the member states' attitude towards it. West Germany and the Netherlands rejected the dialogue, and the other member states did not follow up on the Commission's suggestion. Furthermore, the Council of Ministers rejected the idea due to the lack of a common foreign policy in the EC. Shortly before the Yom Kippur War in October 1973, the Arab states presented a similar initiative. The Libyan Prime Minister Abdul Salam Jalud declared on September 2, 1973, that Libya would be ready to establish a new partnership with Europe to be based on Arab oil and European technology and experience. However, an appropriate response to this request never materialized due to the political situation in the region (JAWAD, 1992, p. 63).

After the oil crisis in 1973, the possibility of opening a dialogue with the Arab oil states presented itself. The starting point for the creation of the EAD was the Copenhagen Summit from December 14 to 15, 1973. Once again, the French government played a decisive role. President Pompidou suggested that the heads of state gather to discuss the situation in the region due to the new developments, i.e. the end of the oil embargo for Europe and OPEC's end of reduced oil production. At this meeting France and Great Britain advocated the establishment of a special relationship to the Arab states as well as diplomatic efforts to secure the oil supply and an increase in trade with the region (JAWAD, 1992, p. 80). During the meeting the Saudi Arabian and Algerian oil ministers suggested the institutionalization of the relationship between the EC and the Arab states (BIPPES, 1997, pp. 82f.).⁷⁸ The Community thus decided to establish a dialogue on economic aspects with the Arab states. Although the exchange was within the EPC framework, the EAD dealt more with economic, technological, and trade cooperation than political issues. For this reason, the dialogue was coordinated by a joint EPC-EC working group, in which the institutional borders between the EC and EPC were crossed for the first time.

Immediately, different problems arose with respect to the dialogue. First, it caused friction between the EC and the U.S. The Americans were worried that the EAD would strengthen the Arabs and consequently disturb U.S. peace efforts in the region. Furthermore, the U.S. feared that its concept of a coordinated Western energy policy in the

⁷⁸ If these ministers were unofficially invited by the EC to the conference or if they attended on their own initiative remains unclear.

form of an International Energy Agency (IEA) to solve the Western European energy problem would be undermined by the EAD.⁷⁹ This struggle led to a compromise between the EC and the U.S., in which the U.S. would be included in EPC efforts. In the so called “Gymnich Agreement”, the EC member states agreed to inform the U.S. about the contents of its dialogue with the Arabs and not to let the EAD become a forum for the Arab-Israeli conflict (BIPPES, 1997, pp. 83f.).

While the Europeans made efforts from the outset to exclude the Arab-Israeli conflict and the Palestinian question from the EAD, the Arabs repeatedly attempted to politicize the dialogue. In contrast to the economic and technical cooperation envisioned by the Europeans, the Arabs “were preoccupied with the political aspect of the dialogue”, and wanted to secure European support in the Arab-Israeli conflict, hoping that the Europeans could influence U.S. policy in the region (JAWAD, 1992, p. 119). The Arabs demanded that the Europeans recognize the PLO as the legitimate representative of the Palestinian people and pressure Israel to withdraw from the territories occupied in 1967. A large bone of contention was Palestinian participation in the EAD: The Arab countries had agreed to insist on the PLO’s participation in the dialogue. France and Italy were fundamentally ready to let the PLO participate in the EAD as an observer, but Great Britain, West Germany, Denmark, and the Netherlands rejected the Arab demand on the grounds that only states should be allowed representation. Eventually, the EC member states were able to adopt a unified position to reject the Arab demands (JAWAD, 1992, pp. 91-92).⁸⁰ Yet, the disagreement between the Europeans and the Arabs on Palestinian participation led to a standstill in EAD (before its official start) that lasted months. The issue of Palestinian participation was finally resolved in the Dublin Formula of February 15, 1975. It was decided that the EC and the Arab League would send delegates to the EAD meetings, and the nationalities in the respective groups were not of relevance. This allowed PLO participation in the dialogue to the satisfaction of

⁷⁹ The IEA was to be a consumers’ front which was to prevent the oil states from playing states against each other. The U.S. pressured Europe to the extent that all EC member states joined the IEA, with the exception of France, who advocated initiating a dialogue with the Arabs to secure energy supplies and presenting the EC as a third force in the region. Thus, the implementation of the EAD can be considered as a “as a consolation to France” by the other EC member states (DOSENRODE & STUBKJÆR, 2002, pp. 90-91).

⁸⁰ The EC attempted to pursue a balanced Middle East policy by simultaneously establishing a dialogue with Israel about deepening economic relations. Shortly after publicly announcing the EAD, the EC announced the expansion of its economic relationship with Israel through bilateral talks, a measure vehemently advocated by the Federal Republic of Germany. This deepened economic relationship was solidified in a free trade agreement between the EC and Israel on May 11, 1975, an act which simultaneously caused friction in the EAD and threatened to delay the EAD’s first experts’ meeting scheduled for June 10, 1975 (BIPPES, 1997, pp. 85-86).

the Arabs (REICH & COQUILLION, 1987, p. 165). The participation of the PLO in EAD, however, contributed significantly to the integration of political accents in the dialogue, especially in that they made the Palestine problem a topic of the exchange.

The different expectations and the inefficient execution of the EAD caused it to lose significance very quickly. After the Egyptian-Israel peace treaty of 1979, the dialogue was suspended, because of the Arab countries' and the EC's different views on the Camp David Accords and the peace process as well as Egypt's participation in the EAD.⁸¹ The heads of state of the EC expressed their wish at the Venice summit in June 1980 to rejuvenate the EAD; however, neither the Europeans nor the Arabs achieved this goal, and another attempt, initiated by France, to relaunch the EAD in 1989 fell through with the outbreak of the Gulf War in 1990/1991.

2.4 The Emergence of a Common Policy: The Venice Declaration of June 1980

Events at the end of the 1970s fundamentally changed the situation in the Arab-Israeli conflict. The war between Israel and Egypt ended with the Camp David Accords of September 1978 and the subsequent Egyptian-Israeli Peace Treaty of March 1979. The EC did not warm up to the U.S.-sponsored peace treaty and stressed in a declaration on September 19, 1978, that it still stood by its London Declaration of June 29, 1977, in which it stressed that any solution to the Arab-Israeli conflict must consider the "legitimate right of the Palestinian people to the effective expression of its national identity" as well as the "necessity of a homeland for the Palestinian people" (EUROPEAN COUNCIL, 1977).⁸² GREILSAMMER & WEILER (1984) attribute the EC's "lack of enthusiasm for the peace treaty [...]" as reflecting simultaneously the alignment of the Eight towards the French position and the increased tendency of the Europeans to disassociate themselves more and more from U.S. options", a development that prevailed in the subsequent years (p. 141). In fact, since 1969 a "slow change of course by Europe towards the Arab world by those countries which had been Israel's staunchest allies" transpired (GREILSAMMER & WEILER 1984: 132), and by the end of the 1970s

⁸¹ Egypt was absent from the EAD due to its suspension from the activities of the Arab League as a result of its peace treaty with Israel. The EC demanded that Egypt remain a participant in the dialogue, whereas the members of the Arab League were unwilling to allow Egypt's participation.

⁸² France was the first EC member state to "underline the importance of the Palestinian 'national question'" (IMPERIALI & AGATE, 1984, pp. 4-5). During the French presidential campaign of 1975, Valéry Giscard d'Estaing emphasized the Palestinian factor and the Palestinians' right to a 'patrie indépendante' in a French-Tunisian communiqué on November 8, 1975. The French support for the Palestinian position gradually evolved into support for the PLO, as seen in the establishment of a PLO Information and Liaison Office in Paris in November 1975 (IMPERIALI & AGATE, 1984, pp. 4-5; GLÖCKLER-FUCHS, 1997, p. 290).

Germany, Denmark, and the Netherlands had “toned down their support for Israel, at least in public” (DOSENRODE & STUBKJÆR, 2002, p. 95).

Particularly France felt that the reservations about the Camp David Accords expressed within the EPC framework were weak and used every opportunity to voice its opinion in this respect. The French government commented in a Communiqué of the Council of Ministers from March 29, 1979, that several (as seen by France) essential prerequisites for a solution to the Arab-Israeli conflict were not fulfilled in the Egyptian-Israeli peace treaty. In contrast, other EC member states welcomed the treaty out of consideration towards Israel, but mostly out of support for U.S. President Carter. Great Britain, the Netherlands, and Denmark wanted to give the U.S. role in the Middle East peace process a chance and did not want to hinder U.S. efforts. West Germany, Belgium, and Italy also welcomed the Camp David Accords (BIPPES, 1997, pp. 101-103).

The European dilemma came to the forefront once again. During this time the Europeans were making strong efforts to maintain good relations with the Arab oil states. Hence, two options arose: The Europeans could either support the Camp David Accords and risk a quarrel with the majority of the Arab states, or they could reject the accords and annoy the U.S. and Israel (BIPPES, 1997, p. 102f.). For this reason the EC initially assumed a reserved, “wait-and-see attitude” towards the peace treaty (BIPPES, 1997, p. 104). However, it soon became clear to the EC member states that a European initiative for the solution of the Arab-Israeli conflict was necessary. On the one hand, the region was becoming increasingly unstable. The Shah of Iran was overthrown in the fall of 1979, the First Gulf War between Iraq and Iran erupted at the beginning of the 1980s, Islamic fundamentalism was increasing, and the USSR invaded Afghanistan in 1979. On the other hand, the Camp David Accords, in the eyes of Europe, could not solve the ‘Palestinian problem’, because the accords were agreed upon without the participation and approval of the Palestinian population in the Occupied Territories and without the PLO. Furthermore, Israel had not yet implemented the planned autonomy plans for the West Bank and the Gaza Strip.

Thus, the EC member states saw their interests in the Middle East at risk. Moreover, because of the experience of foreign policy cooperation in the 1970s, the EC felt ready and able to play a larger role in this region. The member states prepared an initiative for the Middle East after British Foreign Minister Lord Carrington essentially demanded a European peace initiative in February 1980 (GREILSAMMER & WEILER, 1984, p. 142). The draft initiative contained three controversial aspects. First, the EC suggested

replacing the word ‘refugees’ in Resolution 242 with ‘Palestinians’. Secondly, the member states emphasized, at France’s request, the right of the Palestinians to self-determination (IMPERIALI & AGATE, 1984, p. 6; GREILSAMMER & WEILER, 1984, p. 142). Lastly, the EC recognized the PLO as the legitimate representative of the Palestinian people. The Arabs welcomed the draft initiative, whereas the Israelis reacted quite negatively; however, the most pressure came from the U.S. President Carter, who demanded that the EC wait on any independent European initiatives and that it refrain from participating in the peace process by bearing down “on those EEC countries that were most closely bound to the U.S.” (GREILSAMMER & WEILER, 1984, p. 142). The member states buckled under this pressure, and the declaration that was adopted at the Venice Summit from June 12 to 13, 1980, was less controversial than initially expected and envisioned (GREILSAMMER & WEILER, 1984, p. 142; DOSENRODE & STUBKJÆR, 2002, p. 96f.).

The Venice Declaration was regarded as a political success for the EPC and forms to this day the foundation of European Middle East policy. Since Venice, the European position has not deviated much from the stance laid out in this groundbreaking declaration. For the first time, the EC expressed a common political viewpoint and initiated the call for lasting diplomatic action. More than in previous declarations, the heads of state claimed an independent role in the solution of the conflict (REICH & COQUILLION, 1987, p. 171). The EC decided to establish the necessary contacts with the relevant parties and formulate a European initiative for negotiations. Next to Resolutions 242 and 338, the declaration emphasized the right of all states in the region, including Israel, to security and to exist “within secure, recognized and guaranteed borders”, “the recognition of the legitimate rights of the Palestinian people”, and the Palestinian people’s right to fully exercise self-determination (EUROPEAN COUNCIL, 1980). This was the first time that this right was stressed in an EPC declaration; particularly West Germany silently advocated the inclusion of the Palestinians’ right to self-determination to EC/EPC declarations.⁸³ Furthermore, the member states argued that the Palestinian people and the PLO must participate in negotiations.⁸⁴ Nevertheless, the EC did not officially recognize the PLO; it merely recognized its right to participate in negotiations. The EC

⁸³ West Germany was the first EC member state to stress the Palestinian right of self-determination (HUBEL, 1992, p. 44). The justification behind this policy was heavily influenced by the division in Germany: As a country that demanded the right to self-determination for all Germans, it could not logically deny the same right to the Palestinians (BUETTNER, 2003, p. 147).

⁸⁴ France particularly pushed for supporting PLO participation in negotiations (IMPERIALI & AGATE, 1984, p. 6; GLÖCKLER-FUCHS, 1997, pp. 266-267).

also demanded that Israel end the “territorial occupation” of the lands held since 1967. By stating this, the member states implicitly called Israel’s settlement policy illegal. In addition, the EC vehemently rejected any change in Jerusalem’s status.

The Venice Declaration was of internal and external significance for the EC and EPC. It marked the development of a comprehensive position towards the Arab-Israeli conflict and the establishment of the EC as a relatively independent international actor (DOSENRODE & STUBKJÆR, 2002, p. 99). However, the primary question was if the EC could really and really wanted to become involved. As early as September 1980, it seemed as if the member states were already distancing themselves from their Venice position.

2.5 The Disappearance of a Common European Policy

In the aftermath of the Venice Declaration, the EC initiated two fact finding missions to the Middle East to explore the implementation of the EC’s visions presented in Venice, both of which were highly unsuccessful. The Thorn Mission of August 1980, led by Luxembourg’s foreign minister Gaston Thorn, produced no concrete results from meetings with representatives of the states in the region and with the PLO. It only confirmed the positions of the actors in the region, and it became obvious that the European strategy was not qualified to bring the Israelis and Palestinians together to pursue peace. After the Thorn Mission, the EPC produced no new initiatives on the Middle East. Instead, the Europeans decided to wait for the outcome of the U.S. presidential elections in November 1980, especially since the Republican nominee’s position (Ronald Reagan) was, except for being pro-Israeli, relatively unknown (GREILSAMMER & WEILER, 1984, p. 149; GLÖCKLER-FUCHS, 1997, pp. 279-280).⁸⁵ The second fact finding mission under Dutch Foreign Minister Chris Van-der-Klaauw in the first half of 1981 produced similar results to those of the Thorn Mission. The Van-der-Klaauw Mission was to create the basis for a European peace plan. Yet, as in 1980, the mission only confirmed previously known positions and the rejection of European efforts. The implementation of the Venice Declaration collapsed with this mission; nevertheless, the EC member states continued to follow the stance laid out in Venice, which eventually kept them marginalized in any effort towards peace, given the Israeli and U.S. position towards the declaration (GLÖCKLER-FUCHS, 1997, p. 281).

⁸⁵ In fact, Lord Carrington had expressed his desire to wait for the inauguration of the new U.S. president before proceeding forward with a European initiative in the Middle East (HUBEL, 1985, p. 26).

Needless to say, no substantial collective initiative on the Middle East emerged in the 1980s. The “decade of active EPC involvement in the Middle East, where the EC/EPC tried to play a role as a ‘third party’ beside the USA and the USSR”, initiated by the oil crisis of 1973, was followed by a decade of relative passivity with respect to European involvement in and policy towards the conflict (DOSENRODE & STUBKJÆR, 2002, p. 118). The end of EPC activism in the Middle East was sealed after the Israeli invasion of Lebanon, Operation ‘Peace in Galilee’, on June 6, 1982, and Israel’s subsequent rejection of the member states’ attempts to bring about a ceasefire as articulated in a statement from June 9, 1982. In this statement, the foreign ministers “vigorously condemn[ed]” the invasion and deemed it “a flagrant violation of international law” (COUNCIL OF MINISTERS, 1982). They proceeded to threaten “future action” against Israel if it did not withdraw its forces from Lebanon and comply with UN Security Council Resolutions 508 and 509 (these called for the cessation of conflict and military activities and the immediate and unconditional withdrawal of Israeli forces, respectively), the first time in European Middle East policy that reference, albeit vague, was made to the possibility of sanctions. As a result, the Commission suspended the signing of the second financial protocol to the EC-Israel trade agreement of 1975 (an action also subsequently supported by the European Council); however, the protocol was eventually signed in June 1983. Aside from this lax measure, the EC took no further negative action.

Numerous factors contributed to the lack of progress in the EC’s Middle East position. During the Dutch Presidency of the Council in the first half of 1981, the Netherlands, traditionally aligned with the U.S. and pro-Israel, “did not intend to deviate from its traditional affiliations while in office” and made no effort in promoting any common position (DOSENRODE & STUBKJÆR, 2002, p. 100). Secondly, the Reagan administration took its time in defining the future direction of U.S. Middle East policy and insisted that in the meantime U.S. allies should refrain from efforts to produce any new initiative, as Reagan was adverse to an independent European initiative and strived to associate the EC with the Egyptian-Israeli peace treaty (GREILSAMMER & WEILER, 1984, p. 155).⁸⁶ Thirdly, the changes in government in Great Britain, the Federal Republic of Germany, and France at the beginning of the 1980s resulted in a new orienta-

⁸⁶ Reagan’s success in pressuring certain EC member states to support Israeli-Egyptian peace can be seen in the participation of select member states in the MFO tasked to supervise the security protocols of the Egyptian-Israeli peace treaty in the Sinai. France, Great Britain, the Netherlands, and Italy all participated (GREILSAMMER & WEILER, 1984, p. 155, HILL & SMITH, 2000, p. 298).

tion towards U.S. Middle East policy. The conservative governments in West Germany under Chancellor Helmut Kohl and in Great Britain under Prime Minister Margaret Thatcher pursued U.S.-oriented Middle East policies. Thatcher remained highly skeptical of the EC and prioritized national foreign policy and Britain's Atlantic orientation, the result of which was that, with Reagan, Great Britain was one of the first member states to fall to U.S. pressure (GLÖCKLER-FUCHS, 1997, p. 300). Nevertheless, although Thatcher "took Britain on occasion far from the European consensus on the Middle East [...], the essential contours of British policy [...] did not alter during the long period of Conservative government from 1979-1997" (SPYER, 2004, n.p.).

Even France, under the new socialist government of Francois Mitterrand, distanced itself from its traditional Gaullist Middle East policy. After Mitterrand was elected president, "many people thought that the [European] initiative had come to an end, and that France would oppose any continuation of European efforts based on the Venice Declaration" (GREILSAMMER & WEILER, 1984, p. 151). And indeed, Foreign Minister Claude Cheysson commented during his Israel visit in December 1981 that "there is no French plan, and, for as long as we are in government, there will be no European plan or European initiative" (GREILSAMMER & WEILER, 1984, p. 154). French Middle East policy changed slightly under Mitterrand, but there was no "absolute break from the former policy" (IMPERIALI & AGATE, 1984, p. 7). In contrast to Giscard d'Estaing, Mitterrand approved of Camp David, but he also recognized Israel's right to exist within secure and recognized borders as well as the Palestinians' right to a homeland. However, the first year of his presidency was "characterized by a series of zig-zags and about-faces" in Middle East policy, and as a result "Mitterrand's France seemed much more uncertain regarding the Israeli-Arab conflict" (GREILSAMMER & WEILER, 1984, p. 154). According to GREILSAMMER & WEILER (1984), "this uncertainty regarding the new French policy was felt by France's partners and the logical conclusion was that no joint initiative could be started at the moment.

A large cleft developed in EPC after Mitterrand acknowledged the Palestinians' right to a state in 1981 and again in 1982 in a speech before the Knesset. The other member states did not follow suit or agree with this position, and as a result, instead of being "the moving power behind European efforts" as was typical of France under Giscard d'Estaing, France increasingly distanced itself from EPC and pursued independent policies, as did other states (GREILSAMMER & WEILER, 1984, p. 154; IMPERIALI & AGATE, 1984, p. 8; IFESTOS, 1987). Throughout his tenure Mitterrand did little to

counteract the differences and divergences between the member states by increasing French engagement within the EPC, and the other EC member states were not able to replace France as the motor of European policy in the Middle East (GLÖCKLER-FUCHS, 1997, p. 292). This did not change with the accession of Greece, a state with a traditionally pro-Arab stance, in 1981. Due to its limited influence within the EPC, Greece could not neutralize “the new pro-Israel leadership” in the EC (BIPPES, 1997, p. 118). The accession of another traditionally pro-Arab state in 1986, Spain, also did little to alter this.

Thus, EC Middle East policy in the 1980s was characterized by passivity. The EPC occasionally made statements on the Middle East, but these were of little substance and did not alter the European position laid out in Venice (DOSENRODE & STUBKJÆR, 2002, p. 101). The extent to which French positions and initiatives had influenced EC/EPC Middle East policy during the 1970s became quite clear (BIPPES, 1997, p. 117f.; KLINKENBERG, 2002, p. 27f.). The renationalization of foreign policy in Europe, visible in the intensification of national diplomatic efforts vis-à-vis the conflict, was the result of the changed French position (IFESTOS, 1987). Hence, the “national dimension appeared to have triumphed over the European ideal” in the 1980s (IMPERIALI & AGATE, 1984, p. 9).

Although the EC kept a relatively low profile in the realm of high politics regarding the Arab-Israeli conflict, it remained active in low politics and expressed its views through its economic policy. In October 1986 the Council of Ministers decided to grant financial aid to the Palestinian population of the Occupied Territories and preferential market access to certain products produced in the West Bank and the Gaza Strip (see COUNCIL OF MINISTERS, 1986), and the foreign ministers confirmed this in their declaration on the Middle East on February 23, 1987 (COUNCIL OF MINISTERS, 1987). This was the first time that the EC dealt directly with the Palestinians (since 1971 it had only made regular contributions to the Palestinians through the UNRWA); in doing so, the EC indirectly denounced the Israeli claim to sovereignty over the West Bank and the Gaza Strip. In response to the EC’s plans, Israel attempted to prevent the preferential market access from taking effect, but after the European Parliament, also in light of the outbreak of the First Intifada, delayed the adoption of three protocols to the 1975 cooperation agreement, Israel reluctantly acquiesced.

2.6 Upheavals in the Middle East and in Europe

The passivity in European Middle East policy came to an abrupt end in the final years of the 1980s due to the deteriorating situation in the Occupied Territories. Israeli settlement of the West Bank and the Gaza Strip continued at an unrelenting pace with the aim of building up a Jewish presence, especially in the West Bank, to the extent that it would be indissolubly bound to Israel (FRASER, 2004, p. 132-133; C. SMITH, 2001, pp. 415-417). Settlements were deliberately planned to oust Arabs communities and to take over Palestinian Arab lands. Palestinian resistance to the Israeli occupation grew, and this violence was met by the Israelis with frequent military retaliation and repressive measures. In light of such violence, the EC foreign ministers attempted to rejuvenate their efforts to contribute to the solution of the Arab-Israeli conflict by articulating their preference for an international peace conference under UN leadership in a declaration on February 23, 1987, in which they called for “the participation of the parties concerned and of any party able to make a direct and positive contribution to the restoration and maintenance of peace and to the region’s social and economic development” (COUNCIL OF MINISTERS, 1987). In addition to expressing their wish for a solution to the conflict that in their eyes could only be resolved in the UN framework, the member states conveyed their desire “to make an active contribution” in the efforts to achieve a peaceful solution (COUNCIL OF MINISTERS, 1987). Despite the EC’s engagement for an international conference under the auspices of the UN, such a peace conference never materialized.

The situation in the Middle East continued to deteriorate rapidly and resulted in a Palestinian uprising, the Intifada. This spontaneous uprising erupted in the Gaza Strip on December 8, 1987, after an Israeli military transport crashed into several Arab cars, killing four Palestinians and was fueled by Palestinian discontent with the Israeli occupation and violence. The demonstrations during the victims’ funerals in Gaza quickly spread to the West Bank and “inaugurated a new phase in Palestinian Arab resistance to an Israeli rule designed to deprive them of their land” (C. SMITH, 2001, p. 412). The Israeli response to this uprising centered on methods of military repression such as shooting at demonstrators, beatings, the use of tear gas, etc., a response that garnished much international attention and criticism. In this context, the European Council confirmed the EC/EPC’s wish for an international peace conference under UN auspices “as the appropriate forum for the direct negotiations between the parties concerned” in a declaration issued in June 1989, and stressed, in contrast to the declaration of the for-

eign ministers, that the PLO should be an active negotiating partner in the process, not just associated with the negotiations (EUROPEAN COUNCIL, 1989). Once again, the European Council repeated its position as defined in the Venice Declaration of 1980: the right of all states in the region to exist within secure and recognized borders and the principle of 'land for peace' as the basis for future negotiations as well as the recognition of the Palestinians' right to self-determination "with all that this implies" (EUROPEAN COUNCIL, 1989).

As the situation in the Middle East worsened, the international system was undergoing dramatic changes. Political and economic liberalization reforms initiated in the Soviet Union in 1985 resulted in its dissolution in December 1991. In addition to these reforms, the Soviet Union relinquished control over its Eastern European satellites, leading to the independence of these states and the reunification of West and East Germany in December 1990. The East-West conflict was thus no more, decisively altering the situation in the Middle East and bringing new life to the efforts towards a peaceful solution to the Arab-Israeli conflict. However, the Second Gulf War soon erupted in early 1991 as the U.S. formed a military coalition to liberate Kuwait from the Iraqi forces that had invaded it on August 2, 1990. This war "had several ramifications that impinged upon the Arab-Israeli peace process" (C. SMITH, 2001, p. 407). The U.S. proved itself influential enough to keep Israel from becoming involved in the war, even in light of being attacked by Iraq.⁸⁷ Simultaneously, in order to garner Arab support for and participation in the coalition against Iraq the U.S. promised that it would pursue futile efforts to resolve Arab-Israeli matters, including the Palestinian question, after the end of Operation Desert Storm.

2.7 Europe and the Madrid Peace Process

In May 1991 U.S. President George H.W. Bush made good on his promise to the Arab states and introduced a U.S. initiative for a peace conference to regulate the Arab-Israeli conflict on the basis of Resolutions 242 and 338 as well as the Camp David Accords. During the Second Gulf War, the EC had announced its intention to present a peace initiative after the end of the war. This initiative, however, was soon abandoned as it became clear that the interests and initiatives of the member states were too divided:

⁸⁷ In an attempt to provoke unilateral Israeli retaliation and thus bring Israel into the conflict, Iraq launched Scud missile attacks on Israeli cities throughout the Gulf War. The Bush Administration pressured Israel into refraining from a military response, because it feared that any Israeli attack would split the coalition against Iraq, to which many Arab states were partner. For more on U.S. policy towards Israel in the midst of the crisis in the Gulf see LASENSKY, 1999.

Whereas France pushed for an initiative based on the Venice Declaration, Germany and Great Britain supported the U.S. initiative (DOSENRODE & STUBKJÆR, 2002, p. 121). The European Council therefore expressed its support for the U.S. peace initiative in a declaration from June 1991, in which it emphasized that the U.S.-led initiative “offer[ed] real prospects of peace in the region” (EUROPEAN COUNCIL, 1991b). Hoping to finally assume a leading role in the search for a peaceful solution to the conflict after a decade of little movement in European Middle East policy, the member states also stressed their determination to make a “full contribution” to the initiative’s success as well as to the negotiations between the conflicting parties.

In light of the planned peace conference, the European call for a comprehensive peace settlement within the framework of an international Middle East peace conference was partially acknowledged. In the run-up to the conference, the EC presented the U.S. with two demands regarding the conference. First, the EC wanted to fully participate in the international peace conference and pressured U.S. Secretary of State James Baker in order to secure full participation.⁸⁸ In fact, in a statement issued prior to the opening of the conference on October 10, 1991, the member states confirmed “their determination to play an *active role as a full participant*” (COUNCIL OF MINISTERS, 1991, emphasis added). Secondly, it insisted on direct PLO participation in the conference. Neither the U.S. nor Israel, however, wanted the EC to fully participate in the Madrid conference. Israel, as a key participant in the conference, rejected full European participation and was able to influence the U.S. to this degree. For its part, the U.S. showed little interest in full EC participation, because it saw itself as better suited to lead the peace process. Moreover, both the U.S. and Israel were convinced that a second mediator in negotiations would complicate the relationship between the primary mediating party and the negotiating parties (GINSBERG, 2001, p. 121). Regarding the question of PLO participation in the conference, the U.S. and Israel were not willing to allow direct PLO participation; however, they did agree with a suggestion made by the USSR, in which Palestinian representatives from the West Bank and the Gaza Strip would be integrated into the Jordanian delegation to the peace conference.

As the international conference convened in Madrid under the patronage of the U.S. and the USSR on October 30, 1991, the EC was granted, as were the UN and the GCC,

⁸⁸ Particularly France and Britain felt entitled to larger role in light of their active support of the coalition against Iraq (OLSON, 1997, p. 79).

merely observer status.⁸⁹ Many member states were unhappy with this situation, especially since a rapidly decaying Soviet Union was accorded more status than the EC and the dominant U.S. position was reminiscent of the Camp David process of 1978/1979, which the member states had viewed as inadequate in solving the Palestinian question (SALAMÉ, 1998, p. 24). Despite the discontent of some member states, the Dutch Presidency (traditionally pro-U.S. and pro-Israel) was considered an aspect “that made it easier for the Community to content itself with observer status at the peace talks and a supportive speech in Madrid” (SALAMÉ, 1998, p. 24).

The Madrid conference was not authorized to issue statements or make decisions regarding a final settlement; instead, its goal was to establish bilateral and multilateral negotiations between the conflicting parties. The bilateral level was to provide a framework for negotiations between Israel and its Arab neighbors, Lebanon, Syria, and the joint Jordanian-Palestinian delegation. The Europeans played no role in these bilateral negotiations, as the U.S. assumed the mediating role. The purpose of bilateral negotiations was to solve the key problems of the conflict, including territorial questions, border issues, security aspects, and the rights of the Palestinians. Whereas the talks between Israel and the Arab states aimed to produce peace treaties, the talks between the Israelis and the Palestinians were based on a two-step formula, in which the negotiations over a final permanent status would be held after the conclusion of an agreement over a five-year interim autonomy for the Palestinians. According to SALAMÉ (1998), “[s]ome Europeans expressed considerable scepticism about the structure of the new peace talks and indicated clearly their determination to widen the European’s role” (p. 24). The first direct negotiations between Israel and its Arab neighbors took place immediately after the Madrid conference with the U.S. acting as a mediator. The negotiations dragged on for over two years without any concrete results before they were temporarily suspended in 1993 (BIPPES, 1997, p. 150).

The multilateral negotiations were established to explore the possibilities of regional cooperation. Representatives from 22 states met in Moscow in January 1992 to commence the discourse at the multilateral level. Syria and Lebanon, however, declined to participate in this meeting, because they no longer saw the point of negotiating secondary issues with Israel as long as Israel refused to discuss the return of Arab territories. Furthermore, the Palestinians did not participate in the Moscow meeting, because the U.S. and the USSR supported the Israeli refusal to negotiate with Palestinians from the

⁸⁹ Other full participants were the delegations from Lebanon, Syria, Egypt, and Israel as well as a joint Jordanian-Palestinian delegation.

West Bank and the Gaza Strip. In spite of all this, the establishment of five working groups was decided. The Working Group on Arms Control and Regional Security was led by the U.S. and the USSR. The U.S. also assumed the chairmanship of the Working Group on Water Resources. Japan chaired the group on environment and Canada took over the Working Group on Refugees (BIPPES, 1997, p. 151). The EC assumed the chair of the Working Group on Regional Economic Development (see V.1.4.1). In 1993 an Ad Hoc Liaison Committee for the coordination of international assistance to the Palestinians was added to the multilateral track, which is chaired by Norway and co-chaired by the EU, giving the EU a “further opportunity to influence the process” (DOSENRODE & STUBKJÆR, 2002, p. 140).⁹⁰

In February 1992 the member states publicly expressed their dissatisfaction with the way the peace process was being organized. While reiterating their “commitment to play a constructive and active role in the multilateral negotiations”, they demanded “a formula allowing for a broader Palestinian participation” as well as a greater role for and more involvement from the UN, especially concerning the facilitation of regional cooperation (PRESIDENCY, 1992). Furthermore, the EC demanded the right “to be fully engaged” in all multilateral working groups, especially in those “of a clearly political nature”, specifically ACRS. Eventually, this demand was met with the EC/EU Presidency participating in the Multilateral Steering group (chaired by the U.S. and the USSR/Russia) and the AHLC. The Troika initially represented the EC/EU in ACRS, and beginning in 1994 the individual member states were invited to attend. Both the EC/EU and the member states were allowed to participate in the working groups on water resources, the environment, and refugees (see KAYE, 2001).

When one takes stock of the role of the EU in the Madrid peace process, it becomes apparent that the road for the EU to take part in the negotiations between the Israelis, the Arabs, and the Palestinians was smoothed. Although the EU did not play a significant role in the bilateral framework of the Madrid peace process, it assumed the chairmanship of an important working group, REDWG, from which it subsequently could build up its future engagement in the peace process (see V.1.4.1). Nevertheless,

“the dominant feeling on the continent remained that Europe had not been given a satisfactory share in the process – neither in its concept, nor in the bilateral talks – but was being asked eventually to sustain a potentially substantial share of any cost needed at the end of the process to rebuild and develop the area” (SALAMÉ, 1998, p. 24).

⁹⁰ For an in-depth analysis of the multilateral track of the Madrid Peace Process see KAYE, 2001.

This marginalization by the U.S. and Israel in the political side of the peace process led the EC to increasingly voice its desire to play a larger political role in the search for a solution to the Arab-Israeli conflict. With its foot in the door after assuming a significant role in the economic side of the multilateral track, the Oslo breakthrough in the peace process in 1993 and the coming into force of the EU's new Common Foreign and Security Policy in 1993 provided the Europeans with an opportunity to increase their engagement in the Arab-Israeli conflict.

3. European Foreign Policy towards the Arab-Israeli Conflict since 1993

In reflecting on European foreign policy towards the Arab-Israeli conflict in the 1970s and 1980s, one observes the gradual harmonization of the member state's initial policy positions and the formulation of a more or less common policy position: While stressing Israel's right to exist within peaceful and secure borders, the member states emphasized the Palestinian's right to self-determination and recognized their need for a homeland. This view culminated in the demand that the PLO should participate in peace negotiations, which should be held within the framework of an international peace conference under the auspices of the UN. The gradual adoption of this position in turn accorded the EC an important diplomatic role in the region, especially as a counterweight to the U.S. in Arab eyes. Dissatisfied with the U.S. efforts towards peace, the EC attempted to play an active role by launching a peace plan in the Venice Declaration. Rejected by both Israel and the U.S. and constrained by the limits of the consultative nature of EPC, the member states refrained from further political initiatives and quietly focused on the EC's contributions in the economic field to indirectly further EPC objectives in the Middle East.

The institutionalization of a new foreign policy mechanism, CFSP, and its expansion in the 1990s introduced a new phase of European engagement in the Arab-Israeli conflict. In spite of the experience of being sidelined during previous peace efforts, the EU still desired to play an active and ambitious political role in the Middle East. The new policy tools available under CFSP raised the EU's hopes of finally being capable of playing an enhanced role in the search for a solution to the conflict. Yet, another development contributed even more to the EU's aspirations of assuming a more active political role in the Middle East – an unexpected breakthrough in the peace process.

As the bilateral negotiations of the Madrid peace process became deadlocked during 1993, the Israeli foreign minister, Shimon Peres, announced in late August of 1993 that

eleven rounds of secret and direct negotiations between representatives of the PLO and the Israeli government had taken place under the patronage of Norwegian foreign minister, Johan Jorgen Holst, in Oslo, Norway, and that the conclusion of an agreement between the two parties was imminent. There were two aspects to this Israeli-Palestinian accord: the Declaration of Principles and the Letters of Mutual Recognition. The DOP was initialed on August 20, 1993, and its signing was conditional on the exchange of letters of recognition between Yassir Arafat, the PLO chairman, and Yitzhak Rabin, the Israeli Prime Minister. In these letters the PLO recognized Israel's right to exist, and Arafat promised to modify the PLO charter, which rejected Israel's right to exist and called for the destruction of Israel through armed struggle and to renounce terrorism. In response, Israel merely accepted the PLO as the representative of the Palestinian people with which it would negotiate, not the Palestinian's right to self-determination or a state. The Declaration of Principles (Oslo I), which established a framework and a timeframe for further negotiations on Palestinian autonomy in the West Bank and Gaza Strip, was signed on September 13, 1993, in Washington, D.C. (C. SMITH, 2001, pp. 458-465).⁹¹

The negotiations in Oslo thus ushered in a new era in the Middle East. For the first time ever, direct negotiations between Israel and the PLO were possible, because until this point Israel had categorically rejected the prospect of direct talks. Furthermore, the U.S., traditionally regarded as essential and indispensable with respect to the peace process, had no part in the Oslo negotiations. The parties, however, recognized the U.S. role in the peace process by holding the ceremony for the occasion of the DOP signing in Washington, D.C., and the U.S. subsequently resumed its leading political stance in the peace process by playing a significant role in the implementation of the agreements resulting from Oslo.⁹²

⁹¹ Oslo I cannot be regarded as a peace treaty, but rather as the first step towards peace. In this agreement important and contentious issues concerning the final status of the Occupied Territories such as the status of Jerusalem, the Israeli settlements in the West Bank and Gaza Strip, Palestinian refugees, final borders, and security arrangements were deferred to later negotiations that were to begin after an interim period of confidence-building and at the latest in July 1997.

⁹² Other agreements resulting from the Oslo peace process include the AGREEMENT ON THE GAZA STRIP AND THE JERICHO AREA (1994) from May 4, 1994, which began the five-year interim period and in which the Israelis and Palestinians agreed on Israeli withdrawal from the Gaza Strip and the West Bank town of Jericho, the transfer of powers and responsibilities in numerous civilian spheres to the PA, the division of internal security responsibilities between Israel and the PA, and the Protocol on Economic Relations that was negotiated in Paris in April 1994, and the ISRAELI-PALESTINIAN INTERIM AGREEMENT ON THE WEST BANK AND GAZA STRIP (1995), also known as Oslo II, from September 28, 1995, which divided the West Bank and Gaza Strip into three areas controlled by either Israel, the Palestinians, or Palestinian civil authority with Israeli military control, provided for the establishment of a Palestinian Interim Self-Governing Authority and Palestinian elections, and specified arrangements for the safe passage of persons and transportation between the Gaza Strip and the West Bank.

3.1 The EU's Role in the Oslo Peace Process

In contrast to the negotiations within the framework of the Madrid peace process, the implementation of the Declaration of Principles gave the EU the possibility of assuming a more significant role in the peace process. Oslo galvanized the Europeans into action; despite their marginalization in Madrid and at the DOP signing ceremony, they forged their own way of support for Oslo. As early as August 31, 1993, the EPC-Secretariat declared itself ready to assist in this process. Moreover, Commission President Jacques Delors confirmed the EU's desire to assume a larger role at a meeting with the Israeli foreign minister, Shimon Peres, in early September, in which Delors promised European financial aid and technical support for the Palestinians (BIPPES, 1997, p. 148). After the signing of the DOP, the member states emphasized their "readiness to participate in further international arrangements arising in connection with implementation of the agreement" and "their intention to continue to be a substantive contributor" to the Palestinians (COUNCIL OF MINISTERS, 1993). They offered a package of immediate aid of 20 million ECU to the Palestinians. Therewith, the EU assumed the leading role in the complementary economic dimension of the peace process.

In the years following the signing of the DOP, the EU was active in efforts aimed at maintaining the peace endeavors within the framework of the Oslo peace process and creating the conditions for a lasting peace in the region. The European approach centered on the assumption that a just and lasting peace would be sufficiently supported through economic cooperation and financial assistance. This strategy of 'money-lender' materialized out of the fact that the EU was marginalized in political negotiations and did not institutionally possess the foreign policy capacity to sustain extended political engagement at this point in time. Thus, the implementation of the peace treaty was to a great extent left up to the Israelis and the Palestinians. The focus of European efforts fell on the financial and economic support of the conflicting parties, the establishment of Palestinian governmental institutions as well as the erection of Palestinian infrastructure, and the promotion of regional stabilization through the establishment of regional cooperation structures (see V.1). Through this involvement the EU hoped to contribute to a comprehensive and peaceful regulation of the Arab-Israeli conflict.

After the signing of the DOP, the EU refrained from efforts to directly contribute to a political solution, in part because of the central role accorded to the U.S. in the peace process by the conflicting parties and in the implementation of the 1993 and subsequent agreements. Nevertheless, European governments were not content with being the larg-

est financial contributor to the peace process. Thus, “the Oslo agreement and US diplomatic hesitations in the Clinton administration’s first year – together with active Israeli diplomatic efforts and Arab calls for European involvement – led [the member states] to seek a larger political role in that process” (SALAMÉ, 1998, p. 25). In order to assume a larger role, they turned to the EU’s new toolbox and identified the Middle East as a priority area for the implementation of joint actions with the objective of “accompanying the Middle East peace process by use of the political, economic and financial means” (PRESIDENCY CONCLUSIONS, 1993b, p. 3). To do this, the member states specified areas in which they could formulate initiatives towards supporting the peace process at the Brussels European Council in December 1993: These included supporting a settlement reached within the Madrid framework, facilitating regional cooperation through REDWG, providing aid to the negotiating parties of the bilateral track of the Madrid process, promoting regional security, and assisting in setting up the PA as well as organizing elections (PRESIDENCY CONCLUSIONS, 1993c, pp. 20-21).

The member states further confirmed their desire to work towards a peace settlement by adopting a joint action in support of the peace process on April 19, 1994. In addition to committing to the Madrid framework, they outlined the policy framework for the Union’s involvement in the Middle East and specified the instruments to be applied by the EU to achieve its policy objectives specified in the joint action. In this context the member states stated that the EU would continue its role in the AHLC and REDWG and in implementing aid programs to the Palestinians as well as to other parties as they progressed toward peace; pursue demarches to the Arabs (with the aim of ending their boycott of Israel) and the Israelis (regarding settlement policy); actively contribute to the creation of a Palestinian Police Force; assist in the preparations for and observation of Palestinian elections at the request of the parties; and participate, at the parties’ request, in a temporary international presence for the protection of the Palestinians in the Occupied Territories (COUNCIL, 1994a). Although the emphasis of this document was on the EU’s economic and financial contribution to the peace process, seemingly confirming the EU’s limited role, it also indicated a willingness to play a direct role in the security of the region.

Despite a growing desire to assume a more political role, Europe’s role in the political and security realm of the peace process initially remained quite limited. Concrete actions were not initiated; instead, the EU issued numerous declarations expressing its support for the peace process and urging the parties to continue peace talks and the im-

plementation of the DOP and subsequent treaties. Gradually, however, three developments provided the impetus for the enhancement of the EU's role in the peace process (DANNREUTHER, 2002). First, the EU capitalized on its role in the multilateral track and as a financial supporter of the peace process and repeatedly emphasized its commitment to promoting the parties' efforts towards a settlement. As the largest aid donor to the Occupied Territories and emerging from the Donor's Conference of October 1, 1993, in Washington, D.C., as the main supporter of the peace process, the EU expanded its commitment to support the peace process by establishing in July 1994 a five-year program for the implementation of financial and technical cooperation with the West Bank and the Gaza Strip with the purpose of fostering economic and social development (COUNCIL, 1994b). Projects earmarked to be financed by the EU included, among others, those regarding infrastructure, production, education, health services, the establishment and improvement of institutions (i.e. in public administration), and the promotion of democracy and human rights. In accordance with the joint action from 1994, the EU also assisted with the creation of a Palestinian police force in 1994 and with the organization of the first elections in the Palestinian territories in 1996 (see V.1.3.1 and V.1.5). By expanding its engagement in this manner, the EU was able to play a significant role in a domain removed from the bilateral and multilateral tracks of the Madrid process; moreover, through the use of its economic capabilities, the EU was able to compensate for its limited role in the actual negotiations. In stark contrast to its role on the sidelines in Madrid, the EU became "one of the principal participants" in the economic sphere of the peace process (OLSON, 1997, p. 79). In fact, "the Palestinians [came] to depend as much on the EU for an economic lifeline and diplomatic support as the Israelis [had] come to depend on the United States" (GINSBERG, 2001, p. 136). This economic role, also supported by the Rabin and Peres governments in Israel, was a means to a political end: By supporting the creation and establishment of Palestinian infrastructure and institutions, especially those closely linked to traditional characteristics of statehood, the EU hoped to achieve one of its long-standing policy objectives, namely Palestinian self-determination.

Secondly, the EU was able to improve its profile in the region after launching the Euro-Mediterranean Partnership in 1995 (DANNREUTHER, 2002, p. 8). Aimed at "turning the Mediterranean basin into an area of dialogue, exchange and cooperation guaranteeing peace, stability and prosperity", the EMP (also known as the Barcelona Process) created a framework of political, economic, and social relations between the EU mem-

ber states and ten Mediterranean partners⁹³ that operates on both a multilateral and a bilateral level (see BARCELONA DECLARATION, 1995) (see also V.1.4.2). By dealing with the Mediterranean basin as a region, the EU hoped to encourage regional integration and the breakdown of barriers between Europe and the Mediterranean as well as within the Mediterranean itself through the creation of a common area of peace and dialogue, the establishment of a free trade zone, and the fostering of cooperation by way of cultural exchange and civil society support. This attempt to create a coherent and comprehensive framework and common European policy towards the Mediterranean was spurred on by various factors: On the one hand, the Mediterranean region was increasingly regarded as a source of “conflict and of soft security threats, which threatened to ‘spill over’ to Europe in the form of increased organized crime, migration, radical Islamism and terror” (MALMVIG, 2006, p. 345). The best way to counter the sources of these threats – political instability, slow economic development, and rapid demographic growth – seemed to be an all-encompassing strategy similar to the EU’s approach in Central and Eastern Europe. On the other hand, the northern enlargement in 1995 (Austria, Finland, and Sweden) and the imminent eastern enlargement of the EU were a cause of concern for both the southern EU member states and the prospective partners in the Mediterranean and North Africa. The Mediterranean and North African states feared the development of a ‘Fortress Europe’ that would ignore the plight of the region and further undermine its prospects for development in light of the coming into force of the Maastricht Treaty as well as the EU’s increased focus on fostering economic development and political stability in its eastern periphery. The southern member states (particularly France,⁹⁴ Spain, and Italy) pushed accordingly for more symmetry in EU external relations and demanded that the EU should function as an ‘exporter of stability’ vis-à-vis the southern periphery as it had in Central and Eastern Europe. Moreover, and perhaps most importantly, the progress in the Middle East peace process, especially between Israel and the Palestinians and Jordan, encouraged the development of a new approach to the Mediterranean that included these partners. Thus, in addition to upgrading relations with the Mediterranean region, the EMP was to “provide a framework through which the Union could play a more prominent role in the Peace Process” (BRETHERTON & VOGLER, 2006, p. 155). As a policy designed to facilitate long-

⁹³ The Mediterranean partners are Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Palestinian Authority, Syria, Tunisia, and Turkey.

⁹⁴ The development of a collective EU policy towards the Mediterranean was, to a large extent, a result of “French willingness to ‘Europeanize’ relations with the region, rather than insist on an exclusive national policy” (K. SMITH, 2003, p. 76).

term cooperation and stabilization in the region and thus lay the groundwork for regional development and cooperation after a peaceful settlement to the conflict had been reached, the EMP was also a “clear signal that the EU would like to ‘go it alone’ without the US” with respect to policy towards the region, especially due to the fact that the EU excluded the U.S. from the EMP (DOSENRODE & STUBKJÆR, 2002, p. 158).

The establishment of the EMP thus contributed to the enhancement of Europe’s profile in the region in three ways (DANNREUTHER, 2002, p. 8). It was the only multilateral forum – aside from the UN – in which Israel, the Palestinians, and the Arab states regularly participated, being more inclusive than the U.S.-led peace process in that Syria and Lebanon agreed to participate in the EMP regional parties but not in the multilateral framework of the Madrid peace process. As such, it provided a complementary diplomatic environment that aimed to reduce tensions and build confidence between Israel, the PA, and the Arab states. This became especially true after the election of Benjamin Netanyahu as Israeli Prime Minister in May 1996, who progressively contributed to the stalemate in the peace process with his policies. After the multilateral talks of the Madrid peace process were suspended in mid-1996 and the peace process became stagnant, Israel, the PA, and the Arab states continued to meet under the auspices of the EMP forums, despite the fallout in the peace process and increasing violence between the parties (ASSEBURG, 2003a, p. 13). Secondly, the EMP formalized the economic, political, and social linkages between the EU and the Mediterranean region. Through the signing of association agreements with the Mediterranean partners, the EU has been able to institutionalize its relations, and these have subsequently provided the legal basis for the EU’s financial support of the region in its implementation of structural reform. The objective of the EU’s financial assistance for Israel’s neighbors under the EMP, focusing primarily on economic stabilization and common projects, was to guarantee progress in the peace process. In this sense, the signing of association agreements with the states involved in the Arab-Israeli conflict was “clear indication of Europe’s wish to support partners involved in difficult negotiations” (DIECKHOFF, 2002, p. 153). Moreover, the EMP is the only process aimed to assist these states, especially the Arab states, with modernization processes in the economic and political sector so that they can participate more fully in the global economy. And lastly, the EMP has considerably increased Europe’s stake – politically and economically – in overseeing the success of the peace process. Although initially designed to be distinctly separate from and complementary to the peace process (the peace process was to produce a political break-

through, whereas the EMP was to create the conditions for long-term stability and economic development), the EMP “replicated and expanded the Multilaterals of the Madrid Process” to some degree, creating synergy between the peace process and the EMP (DANNREUTHER, 2002, p. 8). This synergy has consequently dampened progress in the EMP. Thus, in contrast to its initial views, the EU quickly learned that the EMP cannot be entirely separated from the Arab-Israeli peace process and that failure in the peace process translates into failure in the Barcelona process. A breakdown in the peace process can undermine the overall objectives of the EMP (ensuring political stability and stemming migration as well as preventing the export of terrorism and extremism). Therefore, “Europe’s stake in an enduring Arab-Israeli peace settlement [became] more urgent” as a result of the EMP, leading to the EU’s increased desire to assume a more political role in the region (DANNREUTHER, 2002, p. 9).

Europe’s increasing dependence on progress in the peace process subsequently contributed to the third development that enhanced its role in the peace process. As the peace process began to deteriorate in the mid-1990s due to events such as the Hebron killings at the Tomb of the Patriarchs in early 1994, Hamas suicide bombings in Israel as a response to Hebron in the spring of 1994, the assassination of Israeli Prime Minister Yitzhak Rabin in November 1995, and the Israeli intervention in Lebanon (‘Grapes of Wrath’) in March 1996, the EU and individual member states began to take on a more activist role instead of adhering to the “bluster and rhetoric” characteristic of European policy in the region (DANNREUTHER, 2002, p. 9). After failing at its attempt to mediate the conflict surrounding Israel’s intervention in Lebanon, a new desire grew within the EU to play an active part in the region and to take initiatives to achieve its policy goals with respect to resolution of the Arab-Israeli conflict.

These efforts were especially spurred on by Europe’s growing dissatisfaction with the Netanyahu government and its policies towards the Palestinians. Already increasingly frustrated with Israeli policies since the intervention in Lebanon, the election of Netanyahu as Israeli Prime Minister did little to ease relations between the EU and Israel. Strongly opposed to the Oslo Accords and to the principle of ‘land for peace’ on which these were based, Netanyahu openly sought to postpone or avoid the implementation of the agreements and was successful in hindering the implementation of the Oslo Accords as well as the agreements he entered into during his term, the Hebron Protocol of Janu-

ary 17, 1997, and the Wye River Memorandum of October 23, 1998.⁹⁵ Unilateral moves by Israel such as the end to a freeze on settlement activity, especially in East Jerusalem, the opening of the Hasmonean Tunnel in September 1996, which in turn resulted in Palestinian riots and prompted suicide bombings, or the closure of the West Bank and Gaza Strip, which resulted in the near economic collapse of Palestinian society, reinforced the stalemate in the peace process, increasing Europe's desire to prevent the peace process from collapsing altogether and contributing to its repeated statements expressing the EU's political and economic commitment to the support of the peace process and condemning violence. The EU frequently reaffirmed its "commitment to pursue diplomatic efforts in the region" and expressed its "willingness to participate in proposals aimed at promoting a just, lasting and comprehensive peace" (COUNCIL, 1996a). It habitually called upon the parties to refrain from actions that would impede the course of the peace process and repeatedly condemned acts of terrorism. In fact, such expressions of EU dissatisfaction with the lack of progress in the peace process and its demands for a more prominent political role reached their peak during Netanyahu's term from June 1996 to July 1999.

An additional factor contributing to increased European activism in the region was Jacques Chirac's assumption of the French presidency in 1995. In contrast to his predecessor, Mitterrand, who largely supported U.S. policy approaches in the region, Chirac pursued an assertive pro-Arab policy that aimed at reversing France's political marginalization in the Middle East and reaffirming its active and influential role in the region (WOOD, 1998). In his attempts to create a counterforce to the U.S. in the region and viewed as such in Arab opinion, the French president initially pursued vigorous unilateral diplomacy in the Middle East and especially in the Arab world (GUITTA, 2005). When France's active role in the Lebanon crisis of March 1996 did not translate into a more influential role in the peace process, Chirac then proceeded to assume a leadership

⁹⁵ In the Hebron Protocol, in return for the Palestinians agreeing to continued Jewish settlement in Hebron and committing themselves to reviving and strengthening efforts against terrorist groups, to strengthening security cooperation with the Israel, and to removing the clauses of the PNC calling for Israel's destruction, Israel agreed to make three redeployments from the West Bank by August 1998, the first of which was scheduled for March 1997 (PROTOCOL, 1997). None of this had been initiated by October 1998 due to a combination of Netanyahu's policies towards the Palestinians and demands with respect to the size of the redeployments which were unacceptable for Arafat, and Palestinian terrorism and violence. In a last-ditch attempt to save the peace process by finding a solution to the redeployment issues, Netanyahu and Arafat met at Wye River under the brokerage of the U.S. The negotiations materialized in a significant advance in the peace process, in which Netanyahu agreed to withdraw from a further 13 percent of the West Bank upon reciprocal steps in the security field by the Palestinians (WYE RIVER MEMORANDUM, 1998). Netanyahu initially pulled troops out of two percent but claimed that the Palestinians had not fulfilled their side of the agreement; therefore, implementation of the agreement stalled and was not resumed (FRASER, 2004, p. 150; MANSFIELD, 2003; SMITH, 2001).

role in the EU in an attempt to use European support to gain influence and to secure a more significant political role for the EU and France in the region (WOOD, 1998, pp. 566-570). Moreover, Chirac's policies, especially a high-profile visit in late October 1996, prompted debate among the member states about the role the EU should play in the peace process and stimulated the EU to adopt a more active policy (GORDON, 1998b).

Third, the member states' desire to make the CFSP more effective may have also contributed to Europe's efforts to secure a more political role in the peace efforts (GORDON, 1998b, pp. 21-22). Europe's nascent common foreign policy had experienced little success since the Maastricht Treaty came into force, and the IGC tasked with reforming the CFSP in 1996 created new tools that were to strengthen the CFSP and make European foreign policy more effective. Foreign policy cooperation in the Middle East seemed promising, being as it was one of the oldest areas of cooperation. Having identified the Middle East as a region of priority shortly after Maastricht, the member states thus began to utilize these new tools in their pursuit of a more political role in the Arab-Israeli peace process.

3.2 Breakdown in the Peace Process: EU Member States 'Go It Alone' and the EU's Increasing Role

For the most part, the years following Oslo were marked by a convergence of EU and U.S. policies towards the peace process. As long as the peace process moved forward, the Europeans did not object to playing a supportive role to the U.S. and felt no reason to interfere with the U.S.'s facilitation of the process (GORDON, 1998b, pp. 19-20). However, as it began to stall in the mid-1990s, the member states increasingly became concerned about the Clinton administration's management of the crises in the Middle East and what they viewed as a lack of resolve and "a clear tendency to assess the problems in terms too close to Israel's own perceptions" (AOUN, 2003, p. 303). Concerned about the path of U.S. policies towards the region, some member states began to stray from the U.S.-appointed sidelines of the Middle East peace process, thereby raising questions about the appropriate role for the EU.

Leading the pack was French president Jacques Chirac, who vigorously pursued France's return to the Middle East upon assuming office and openly articulated strategies and policies contradicting those of the U.S. As the region became consumed with violence in March 1996 as a result of tensions between Israel and Hezbollah, Chirac

began to pursue vigorous diplomatic efforts to increase France's profile in the Middle East, especially in the Arab world. In a visit to Lebanon and Egypt in early April 1996, Chirac outlined the contents of France's 'new Arab policy' in the de Gaullist tradition of French Middle East policy in a speech at Cairo University. Declaring that "France's Arab policy must be an essential element of its foreign policy", Chirac indicated his desire to reverse France's marginalization as a political player in the region and called for Europe to co-sponsor the peace efforts and contribute to a settlement of the conflict (WOOD, 1998, p. 563; JAMES, 1996). Generally regarded as an attempt to bolster France's influence in the region and form a counterbalance to the U.S., this Middle East trip and Chirac's rhetoric in Cairo did little to convince the U.S. or Israel that France should be included in the Arab-Israeli peace negotiations.

France's chance to prove itself worthy of a political role in the Middle East presented itself shortly after Chirac left the Middle East. After Israel launched Operation Grapes of Wrath in southern Lebanon on April 11, 1996, in response to repeated Hezbollah attacks in the Israeli security zone and rocket attacks in Israel, the Lebanese government requested French diplomatic intervention. Due to France's long-standing historic ties with and special responsibility to Lebanon, Chirac was quick to act in order to promote France's 'nouvelle politique arabe'. Without consulting the other EU member states, Chirac sent Foreign Minister Hervé de Charette to negotiate a ceasefire agreement between Hezbollah and Israel. As de Charette shuttled between Jerusalem, Beirut, and Damascus in an effort to broker an agreement, the Troika sent the Italian Foreign Minister Susanna Agnelli – Italy held the Council Presidency at that time – to tour the region without clearly defined objectives and despite the U.S. and Israel's assertions that no EU mediation attempts were needed (RHEIN, 1997, p. 43). This uncoordinated effort and lack of a single European mediator resulted in "the Europeans frantically rushing about in the wings" to avoid encounters with each other, leaving mediation essentially to the U.S. (KLAU, 1996, n.p.). Especially Israel criticized the multiple mediators and the confusion caused by the efforts of the various mediating parties, stressing that the U.S. was the one and only channel for negotiations. Nevertheless, the final agreement accepted by Israel and Hezbollah and backed by Syria, Lebanon, and Iran was largely based on a French proposal, "allowing the French government to claim that its intervention had been critical to ending the crisis successfully" (WOOD, 1998, pp. 567-568). Furthermore, France was also included in the International Lebanon Monitoring Group

alongside Israel, Syria, Lebanon, and the U.S. to monitor the implementation of the ceasefire.

This marginally successful venture into Middle East politics can be attributed to the fact that French mediation and proposals were supported by the key regional players, states that welcomingly viewed France as a counterbalance to the U.S. Although France was able to gain influence with the Arab world through its mediation effort in the Israeli-Lebanese crisis, the U.S. and Israel continued to oppose French and European participation in the peace process; consequently, France did not gain a more influential role in Arab-Israeli negotiations as a whole. Instead, this unilateral action demonstrated that France “was willing to by-pass the European Union and act unilaterally when national diplomacy promised better results” (WOOD, 1998, p. 568). It also showcased the main dilemma of Europe’s Middle East policy: the inability and incapacity of shaping Europe’s ambitions and intentions vis-à-vis the region into coherent policy approaches (RHEIN, 1997, p. 43).

As the peace process stalled in mid- to late 1996 upon Netanyahu’s election, European efforts to play a more prominent role in Arab-Israeli negotiations and to pursue a more coherent policy increased. Fearing that Netanyahu’s election would be the peace process’s downfall, the EU issued a statement in June 1996 encouraging the parties of the Arab-Israeli conflict to reengage in the peace process and resume negotiations. This statement stressed that Middle East peace was considered a “fundamental interest” of the EU and that the EU would undertake “everything possible” to ensure the continuation and successful conclusion of the peace process (EUROPEAN COUNCIL, 1996). It also reaffirmed the EU’s stance towards a final solution to the conflict, emphasizing adherence to the principles of Palestinian self-determination “with all that it implies” and of land for peace (EUROPEAN COUNCIL, 1996). As conditions in the region deteriorated in September 1996 due to the violence that erupted after the unilateral opening of the Hasmonean Tunnel in the Old City of Jerusalem, the EU responded with “its most authoritative statement on Arab-Israeli negotiations since the Venice Declaration of May 1980” (STEIN, 1997, n.p.). In the Luxembourg Declaration of October 1, 1996, the member states strongly condemned Israel’s actions and held it responsible for the outburst of violence following the tunnel opening (COUNCIL, 1996b). The EU chastised Israel’s policies in Jerusalem, reaffirming the EU’s policy on the status of Jerusalem by stressing that East Jerusalem is “not under Israeli sovereignty” and calling for “the cessation and reversal of all acts that may affect the status of the Holy Places in

Jerusalem". The declaration also condemned Israeli settlement policy by calling on the parties to discontinue or halt measures that prejudice the outcome of final status negotiations, these being, in the eyes of the EU, "annexation of land, demolition of houses, new settlement constructions and expansion of settlements". In addition to calling on both parties to refrain from violence or actions that may precipitate violence, the declaration also identified the areas in which progress must be made in order for the peace process to continue, stressing that "the Union is ready to play an active part in efforts to recommence the negotiations". Furthermore, EU officials alluded to the fact that the ratification of the 1995 EU-Israel Euro-Mediterranean Association Agreement might be in jeopardy if Israel failed to close the tunnel (HOLLIS, 1997, p. 20; GINSBERG, 2001, p. 131).

The tensions between the Israelis and the Palestinians were in part smoothed at a summit meeting in Washington, D.C., in October 1996, a meeting in which the EU was not involved in nor consulted about. Furious that the EU's political status in the peace process had not yet been upgraded as a result of French efforts, France proposed appointing a special EU envoy to the Middle East peace process as a way to increase the EU's political role. Thus, in an extraordinary European Council meeting in Dublin in early October 1996, the heads of state and government asked the Council to consider appointing a special envoy along France's proposal, because they felt that the deterioration in the peace process necessitated an increased political role on behalf of the EU, a role that should be commensurate with the EU's leading economic role (COUNCIL, 1996c). Moreover, an informal document presented to the foreign ministers by Commissioner Marin at a GAC meeting in late October lambasted the EU's supporting role in the peace process, lamenting its inability to react quickly and coherently to crises and emphasizing the need to improve the coherence of EU and member state policies as well as to attain a role as co-sponsor of the peace process (WISE, 1996).

In the meantime, apparently frustrated with Netanyahu's policies and actions, President Chirac once again departed from the framework of the CFSP and aroused attention during a trip to the Middle East in late October 1996. During this trip he seemed to "deliberately antagonise" and alienate Israel by meeting with the Palestinian Legislative Council and not with the Knesset as well as by complaining that Israeli security guards had prevented him from mingling with Palestinians in Jerusalem's Old City (HOLLIS, 1997, p. 15; ALPHER, 2000). At times, Chirac's trip also seemed orchestrated to "anger the Americans and discomfort [...] European colleagues" (HAASS, 1997, p. 63).

Throughout the trip he repeatedly stressed that he was dissatisfied with Europe's limited role of financing a peace process designed and implemented by the U.S. and called in an address to the Palestinian Legislative Council for greater European involvement, stressing that the EU must become a co-sponsor of the peace process and assuring that France "will continue to mobilize the Union to ensure that its political role shall be commensurate with its economic commitment" (CHIRAC, 1996). He also articulated policies not coordinated with nor backed by other member states, such as the support for a Palestinian state.

Chirac's trip "suddenly called attention to the role played – or not played – by the European states in Middle East crises" and forced other European leaders to focus on the role the EU should play in the Middle East (DE LA GORCE, 1997, p. 5). In response to the numerous calls for an increased political role, the Council issued a joint action appointing a permanent observer to follow the peace process, Miguel Moratinos, on November 25, 1996, a decision strongly advocated by France and the southern EU member states despite British and German reservations (see COUNCIL, 1996d). The appointment of a special envoy was "the clearest sign of Europe's determination to play a more active political role in the region" (PETERS, 2000, p. 159) as well as an "indication of Europe's will not to let the 'dynamic of peace' run out" (DIECKHOFF, 2002, p. 152). The role of the special envoy was to work to build confidence in the EU's intentions and to attain a constructive role for the EU in the peace process. Nonetheless, Moratinos's mandate was less ambitious than the French had desired and did not give him the competence to initiate policies in the name of the member states, mostly because the German and British foreign ministers, Klaus Kinkel and Malcolm Rifkind, respectively, preferred a more modest role for the envoy and warned against competing with the U.S. role in the peace process. Rifkind, in a trip to the Middle East in early November 1996, forcefully maintained that the U.S. was better equipped than the EU to mediate negotiations in the region and stressed that the EU aspired to complement the U.S.'s work rather than to compete with it (HOLLIS, 1997, p. 17; GORDON, 1998b, p. 35). Moreover, Ireland's foreign minister, Dick Spring, President of the Council at this time, also stressed that the envoy was to fulfill a complementary role to the U.S. (STEIN, 1997, n.p.; see also GORDON, 1998b, p. 35).

Although initially greeted with skepticism from both Israel and the U.S., who regarded this action as one more sign of Europe's meddling in the peace process, as well as from the Arab states, who doubted his influence and ability to play a meaningful po-

litical role, Moratinos quickly gained the confidence of all parties and demonstrated that Europe could be valuable partner to the U.S., an example of which can be seen in the mediation efforts surrounding the Hebron Protocol in late December 1996 and January 1997. The special envoy helped to bridge the gap between the Israeli and Palestinian positions, effectively encouraging Arafat to sign the agreement. For the first time, the EU was actively involved in the peace process – albeit behind the scenes. Overall, the work of the special envoy was able to “enhance Europe’s political standing and [...] afforded it a more prominent profile in the peace process” (PETERS, 2000, p. 160) (see also V.2.4).

The EU’s efforts to become more involved in the region also led to an effort to support the PA’s capacity to counter terrorism emanating from the territories under its control. As bombings by Hamas activists in Israeli cities in February and March 1996 and increased terrorist attacks and violence as well as Netanyahu’s insistence that the Palestinians do more to ensure Israeli security before Israel could take reciprocal steps to implement the Hebron Protocol brought the importance of security to the forefront, the member states created an assistance program on April 29, 1997, that aimed at providing training and equipment to the Palestinian security and police services, and appointed an adviser, Nils Eriksson, to oversee implementation of the assistance program (COUNCIL, 1997a).⁹⁶ Generally regarded as successful, being as there were only two Israeli victims of terrorism in 1999, it was relatively clear from the outset of this program that an outbreak of large scale violence between the Israelis and Palestinians would jeopardize the long-term effect of EU assistance in this sector (DIECKHOFF, 2002, p. 152-153).

Despite its attempts to attain an increased political role in the region, the EU emphasized beginning in 1996 the fact that its intended role in the peace process was to be subordinate and complementary to the U.S., stressing this in its joint action appointing a special envoy to the peace process. The EU foresaw a division of labor in which the U.S. continued to play the dominant political and diplomatic role while Europe continued to support the process financially and implement policies that aimed to improve the chances for a peaceful settlement by creating a framework for multilateral cooperation. Characterizing its role as complementary to the U.S. “underline[d] [the EU’s] claim to a more political role” while simultaneously “defus[ing] American suspicions that Europe might actually want to compete with the US or counterbalance US policies in the re-

⁹⁶ Eriksson’s mandate was extended on July 6, 1999, and ended on May 31, 2002 (COUNCIL, 1999c).

gion” (PERTHES, 2002b, p. 53). The British Presidency of the Council in the first half of 1998 particularly emphasized the complementary role of EU policies and opted to play a more low-profile role than previous EU Presidencies due to its ‘special relationship’ with the U.S. As the EU increasingly recognized that its role was to be subordinate to the U.S. and articulated the complementarity of its policies, the U.S. gradually came to accept the fact that the EU could play a complementary and facilitating role to its policies in the Middle East, especially in relation to the Palestinians who were increasingly skeptical of the U.S.’s purported impartiality and therefore repeatedly turned to the EU for diplomatic support. Thus, when the Clinton administration began to play a more hands-on role in the peace process towards the end of the 1990s, the EU was granted a larger diplomatic role than it had played in previous years, and the EU became an important partner for the U.S. in its efforts to keep the peace process alive (DANNREUTHER, 2002, p. 9-10; SOETENDORP, 2002, p. 290).

Therefore, in the years from 1998 to 2000 the EU experienced “the historic high point of an intensive and constructive [...] presence and role in the Middle East peace process” (DANNREUTHER, 2002, p. 10). The most significant example that demonstrates the increased value of the EU in the peace process was the crisis and diplomatic efforts surrounding Arafat’s intention of unilaterally declaring Palestinian statehood. With the Oslo deadline of May 1999 for the end of the Interim period approaching and little prospect of actually meeting this deadline as well as heightened Palestinian frustration with Israel’s unwillingness to make substantial progress towards a final status settlement, Arafat indicated that if the deadline were to pass without a negotiated settlement the Palestinians would declare statehood on the eve of the Israeli elections scheduled for May 17, 1999. Worried that such a unilateral proclamation would have a negative impact on the outcome of the Israeli elections and therefore further lower the prospects of peace in the Middle East, the U.S. and the EU scrambled to persuade Arafat to postpone declaring statehood. Whereas U.S. President Clinton drafted a letter to Arafat promising that the U.S. would seriously push for a final status agreement within a reasonable period of time and expressing his support for the Palestinian’s aspirations of statehood, the EU, under the German Presidency, went a step further in a declaration in March 1999 and reaffirmed its support of the “Palestinian right to self-determination including the option of a state” as well as its conviction that the “creation of a democratic, viable and peaceful sovereign Palestinian State [...] would be the best guarantee of Israel’s security” (EUROPEAN COUNCIL, 1999a), a position that the EU had in part

first adopted in June 1997 in its 'Call for Peace in the Middle East' (EUROPEAN COUNCIL, 1997). In addition to urging "the parties to agree on an extension of the transitional period" and to resume final status negotiations as soon as possible, the EU publicly declared "its readiness to consider the recognition of a Palestinian State in due course" (EUROPEAN COUNCIL, 1999a). Voicing clear support for a Palestinian state, this was the most explicit EU declaration on Palestinian self-determination; however, it also meant that the EU agreed with the Israeli rejection of the unilateral declaration of Palestinian statehood and acquiesced with Israeli demands for a prolonged transition period. In connection with Clinton's letter, this declaration was crucial in the Palestinian Council's decision to postpone the proclamation of an independent Palestinian state, because it assured the Palestinians that there was international support for their claims and made it possible for them to postpone this proclamation without losing face. It demonstrated the EU's ability to influence the Palestinians and to constructively contribute to diplomatic efforts as well as the complementarity of the EU's policies with those of the U.S. (MORATINOS, 1999, pp. 2-3).

Another example of the EU's active involvement in and contribution to the diplomatic efforts to keep the peace process alive was its second successful attempt in preventing Arafat from unilaterally declaring Palestinian statehood in September 2000. Before attending the Camp David summit in July 2000, a last-ditch effort to negotiate a final status agreement between the Palestinians and the Israelis, Arafat once again announced his intention to declare Palestinian statehood, this time by mid-September 2000 and regardless of if a permanent settlement had been reached in Camp David or not (SONTAG, 2000). The summit meeting was a failure and produced no agreement, increasing the anxiety that this proclamation would happen in light of Palestinian frustration with the lack of progress in the peace process. After meeting with French leaders in late July 2000 during a tour of European capitals, Arafat announced that he was considering "the appropriate time for the proclamation" and "taking into account all our friends' advice" (see Mid-East Talks, 2000). He eventually postponed this announcement, a decision welcomed by the EU in September 2000, noting that "the right of the Palestinian people to build a sovereign, democratic, viable and peaceful State may not be brought into question" and that "the choice of timing [...] belongs to the Palestinian people" (COUNCIL, 2000b).

Before this intervention, the member states had appointed Javier Solana to the post of Secretary-General/High Representative for the CFSP in late 1999, an act that would in

the future further enhance the EU's engagement in the peace process. A milestone for European foreign policy and diplomacy, the establishment of this post served to provide European foreign policy with more political credibility – it finally had a more or less single voice – and an element of continuity. Because Solana's appointment coincided with the breakdown and eventual collapse of the peace process, he contributed more to the international community's numerous attempts to manage the crises resulting from the outbreak of the al-Aqsa Intifada than to a comprehensive and peaceful settlement to the Arab-Israeli conflict. Nevertheless, the two new faces of European foreign policy – the Special Envoy and the High Representative – strengthened the EU's political role in the peace process and heavily contributed to EU's efforts to increase this role and to revive the search for a solution to the conflict after the onset of a new, peace process-crippling crisis in the Middle East.

3.3 Crisis in the Middle East: A Political Role for the EU?

In late September and early October of 2000, the Second Intifada, also known as the al-Aqsa Intifada,⁹⁷ erupted, sealing the fate of the Oslo peace process that was already on the brink of collapse after the failed talks at Camp David in July 2000.⁹⁸ Israel's use of excessive force to quell Palestinian demonstrations demanding the immediate ending of the occupation resulted in the deaths of almost 100 Palestinians in the first two weeks of the intifada, contributing to its militarization on both sides. The violence continued, and by mid-January 2001, over 300 Palestinians and 40 Israelis had been killed. The election of Ariel Sharon as Prime Minister in February 2001, a Likud politician who was openly against the peace process, intensified the repression of the Palestinians by imposing of closures and curfews on the Palestinian population and restricting movement, ordering the extermination of Palestinians suspected of terrorism through extra-

⁹⁷ The second intifada ensued in part after Ariel Sharon, the Likud leader, visited the Temple Mount on September 28, 2000, provoking Palestinian demonstrations that were violently repressed by the Israeli police. Many Palestinians viewed his presence as a direct affront due to the location of his visit, which was a sacred area and home to a number of mosques and because of his reassertion of the Israeli claim over all of Jerusalem as well as the approaching anniversary of the Palestinian massacre in Sabra and Shatila in 1982 during the Lebanese Civil War for which many considered Sharon as indirectly responsible (C. SMITH, 2004).

⁹⁸ The Camp David summit in July 2000 was called by President Clinton to jump-start negotiations between Arafat and Barak. Both sides had difficulty agreeing on any issues: Whereas the Palestinians insisted on the refugees' right of return, Israel refused to negotiate this point. The Palestinians, for their part, refused to accept Barak's offer on land – 92 percent of the West Bank, all of the Gaza Strip, and a land swap in exchange for Jewish settlements in the West Bank. An agreement on the status of Jerusalem also remained elusive. Thus, Camp David concluded without agreement on the main issues impeding final status negotiations but with both sides agreeing to continue the negotiating process. However, the outbreak of the intifada derailed these talks (QUANDT, 2001, pp. 362-368).

judicial killings, and initiating raids into the Palestinian zones. In response to Sharon's repressive measures, Palestinian militants from the Hamas, Islamic Jihad, and the al-Aqsa Brigades launched suicide bombings throughout Israel, and the cycle of violence escalated further. After a wave of suicide bombings in early 2002, particularly the attack on a hotel in Netanya at the start of Passover, the Israeli army launched a huge offensive, Operation Defensive Shield, in the spring of 2002, targeting PA institutions and Palestinian infrastructure, attempting to render Palestinian President Arafat irrelevant through a siege on his compound in Ramallah, and reoccupying all of the West Bank except Jericho. With the fronts hardening, Sharon refused to negotiate with Arafat, viewing him as the instigator of Palestinian terrorism and violence and bringing all hope of resuming the peace process to an end.

In the months after the onset of the intifada, much of the progress the EU had made in securing a larger role in the peace process in the late 1990s was lost. In light of the new strategic landscape – the intifada and its ramifications, the coming into power of conservative governments in the U.S. and Israel in 2001 with little interest in the peace process as a whole, and Israeli Prime Minister Sharon's attempt to destroy the functioning of the PA in his anti-terrorist campaign – Europe appeared “to have reverted to its earlier conditions of impotent marginalization” (DANNREUTHER, 2002, p. 10). Aside from its financial support for the Palestinian and the redirection of its assistance (see V.1.3.2), the EU's reluctance or incapacity to engage itself politically in the conflict was obvious: It took until late November 2000 before the EU embraced a firm position with respect to the intifada, calling for an observer mission on the ground and openly criticizing the Israeli restrictions on the movement of people and goods in the Palestinian territories, financial sanctions imposed on the PA by Israel, and Israel's liquidation policy, while simultaneously asking the Palestinians to cease violent attacks against Israelis (EUROPEAN UNION, 2000).⁹⁹ After this initial, considerable delay, the EU increasingly assumed a more political role in the region and became more and more engaged in the search for a way out of the crisis and for a political solution to the conflict. In an effort to be present in the region and to put pressure on the conflicting parties to get the peace process back on track, the member state foreign ministers, the SG/HR, and the Troika visited the region more than ever before in the months and years following the

⁹⁹ The initial EU reaction to the outbreak of violence was issued in two declarations on October 2, 2000, merely condemning “the acts of provocation and violence” and calling on the Israel and the Palestinians “to refrain from any form of provocation or action which might give rise to further confrontation” (COUNCIL PRESIDENCY, 2000a; 2000b).

outbreak of the al-Aqsa Intifada; particularly noteworthy in this context is the “uninterrupted behind-the-scenes diplomatic activity of both the High Representative and the Special Envoy Moratinos” (MUSU, 2007, p. 6). The EU’s desire to substantially expand its political role in the Arab-Israeli conflict and to actively contribute to the successful continuation of the peace process was also evident in statements on the situation in the Middle East throughout the crisis, and EU efforts to participate in the search for a conflict settlement commensurately increased (DIETL, 2005, pp. 109-110).¹⁰⁰

The first of these efforts was the SG/HR’s participation in the summit in Sharm el-Sheikh in mid-October 2000, a last-ditch attempt by the international community to stop the fighting between the Palestinians and the Israelis and to get the peace process back on track. This meeting was attended by Israel Prime Minister Barak, Palestinian President Arafat, U.S. President Clinton, Egyptian President Mubarak, UN Secretary-General Annan, King Abdullah of Jordan, and Solana. At the summit meeting Barak and Arafat agreed to put an end to the violence and to resume negotiations – an agreement that was short-lived. The only concrete result of the meeting was the establishment of an international fact-finding committee to inquire into the outbreak of the intifada and its causes, an important concession on Israel’s part due to its past refusals of any international observer mission. Solana’s presence at the summit meeting was the EU’s first globally recognized public appearance in the conflict, and the first time the U.S. and Israel were open to such an open and official involvement of the EU in the political dimension of the peace process. Because Israel refused to accept French President Jacques Chirac as the EU spokesman – France held the Presidency of the Council during the second half of 2000 – Chirac was not part of the Sharm el-Sheikh Fact Finding Commission, the Mitchell Committee; therefore, Solana was appointed as a member of the committee (AMBOS & VON BEHR, 2004, p. 2004). Thus, Solana’s participation in the summit and appointment to the Mitchell Committee can be regarded as direct recognition of the EU’s growing political role in the region. In this context Solana also propagated expanding the EU’s role, announcing after Sharm el-Sheikh “that the EU would move from involvement at the economic level to playing a more politically active role” (AMBOS & VON BEHR, 2004, p. 296). Nevertheless, EU participation in the Sharm el-Sheikh summit and in the Mitchell Committee should not be overestimated, because at this time the U.S., under the Clinton Administration, was intent on maintaining its dominance in the peace process and political negotiations. In fact, some scholars

¹⁰⁰ Statements of this nature can be found, for example, in EUROPEAN COUNCIL 2001a, 2001b; 2002a, 2002b; PRESIDENCY CONCLUSIONS, 2003a, 2003b, 2003d.

argue that the EU should have been more forceful in pressing for an independent, internationally legitimate commission of inquiry instead of accepting and participating in a committee with a limited mandate under U.S. auspices and handpicked by the U.S. (see ASSEBURG, 2001, pp. 263-264; RABBANI, 2001). This led to the fact that the committee's report was heavily influenced by diplomatic considerations, ignoring important conflict dimensions and vaguely formulating its recommendations as well as its assessment of the intifada's causes. The fact-finding committee's report was published on April 30, 2001, and introduced a three-step plan to get the parties back to the negotiating table by recommending to the parties to take steps to end the violence and to resume security cooperation, to rebuild confidence by, in addition to other actions, freezing settlement activities on the Israeli side and increasing efforts to prevent terrorist attacks and to punish terrorists on the Palestinian side, and to immediately resume full and meaningful negotiations by reaffirming their commitment to previous agreements and understandings (SHARM EL-SHEIKH FACT-FINDING COMMITTEE, 2001). Although seen as a window of opportunity for the parties to resume the peace process by the international community, neither Arafat nor Sharon (now Prime Minister after the Israeli elections in early February 2001) were willing to implement the Mitchell Committee's recommendations unconditionally; therefore, the violence continued and the peace process collapsed (SOETENDORP, 2002, p. 294).

The second example of EU efforts to participate in the search for a conflict settlement is EUSR Moratinos's participation in the Taba negotiations in January 2001. These discussions, a second round of talks based on the Clinton parameters¹⁰¹ presented to Israel and the Palestinians in December 2000 and facilitated by Egyptian President Hosni Mubarak, were to begin final status negotiations. This time – in contrast to earlier negotiations – no outsiders were present. Moratinos was the only third party at Taba – a first in the Middle East peace process and a reflection of the parties' esteem for Moratinos; however, he did not participate in the meetings themselves, instead he interviewed the negotiators after each session and prepared a summary of each side's positions at the time the negotiations in Taba ended (see MORATINOS, 2001). This summary, approved by the Israelis and the Palestinians in the summer of 2001 and acknowl-

¹⁰¹ In the Clinton plan, as it came to be known, the U.S. president put forth his suggestions for a compromise on the final status: He envisaged a Palestinian state in about 95 percent of the West Bank and Gaza Strip, allowing for land swaps so that Israel could incorporate most settlers into Israeli territory, and a shared Jerusalem in which Israel would retain the Jewish quarter, a passageway through the Armenian quarter, and control over the Western Wall and the Temple Mount and the Palestinians would control the Muslim and Christian parts of the Old City (CLINTON, 2000).

edged to be a fair description of the outcome of the negotiations, was drafted in the hope that it might offer a basis for future talks (AOUN, 2003, p. 304; SCHÄFER, 2004, p. 50). The enhanced role of the EU was recognized by the parties in their joint statement released after the conclusion of the discussions in Taba, in which they “express[ed] their thanks to the European Union for its role in supporting the talks” (ISRAELI-PALESTINIAN JOINT STATEMENT, 2001). The Taba negotiations did not produce any concrete results in its discussion of refugees, security, borders, and Jerusalem, and Moratinos noted in his report that differences on these issues remained; nevertheless, Israel and the Palestinians issued an optimistic joint statement after the conclusion of Taba, stressing that while “it proved impossible to reach understandings on all issues” “there was substantial progress in the understanding of the other side’s positions” and “they have never been closer to reaching an agreement”, expressing their desire to continue the peace process and to move forward as soon as possible (ISRAELI-PALESTINIAN JOINT STATEMENT, 2001). Alas, the two sides needed more time to bridge their differences and to draft a formal agreement, time that they did not have due to Barak’s defeat at the hands of Ariel Sharon in the Israeli elections of February 6, 2001. Moreover, the new U.S. administration under George W. Bush seemed uninterested in the Middle East and the peace process, and the continuing violence as well as Sharon’s reaction to Palestinian terrorism ensured that nothing came of the proposals made at Taba.

The EU continued to react to the deteriorating situation in the Middle East, which accelerated after the election of Sharon, issuing statements and declarations reiterating its “deep concern about the chain of violent events” and “deplor[ing] the [...] increase of violence in the region” as well as condemning and criticizing Palestinian terrorist attacks as well as Israel’s policy of extra-judicial killings, Israeli incursions into Palestinian territory, and “the excessive use of the army and the disproportionate Israeli reply” to Palestinian violence and attacks and calling for the resumption of the peace process (COUNCIL PRESIDENCY, 2001a; 2001b; 2001c). It also repeatedly reaffirmed its “determination to make its contribution to peace, stability and future prosperity in the Middle East”, and in this context instructed Solana to report to the European Council on how the EU could play a role in promoting the resumption of the peace process (PRESIDENCY CONCLUSIONS, 2001a, p. 14). Overall, however, the EU kept a low profile, unable or unwilling to fill the diplomatic vacuum left by the U.S. after the Bush Administration distanced itself from the peace process upon assuming office in January 2001

(STEIN, 2002; CHRISTISON, 2004; FREEDMAN, 2005). Despite Bush's inactivity with regard to the situation in the Middle East and seemingly disinterest in involving the U.S. in any efforts to resolve the conflict, the EU did not appear to take any major initiatives itself to relaunch the peace process, straying from the former pattern observed in the 1990s in which limited U.S. involvement normally resulted in increased EU engagement in the region.

It was not until May 2001 when Solana toured the region to specifically discuss peace plans with the conflicting parties that the EU finally seemed to take action to tangibly contribute to the revival of the peace process.¹⁰² At the European Council summit in Gothenburg in June 2001, Solana issued the desired report and proposed a roadmap as a way out of the stalemate, forging thereby the EU's strategy in the crisis. The main element of Solana's approach in this context was the necessity of collective efforts on the part of the international community to jumpstart the peace process. In this sense, he stressed that the EU should continue to work closely with the U.S., but also with the UN Secretary-General, Russia, and Japan to ensure that they act in a coordinated fashion and that the efforts of the international community are complementary (SOLANA, 2001, p. 8). Most importantly, Solana underscored that it was high time "to move on to the strategic process called for by the "Mitchell Committee"", underlining his support for a plan to translate the committee's recommendations into reality (SOLANA, 2001, p. 10). Yet, in his report Solana did not seem to advocate a mediating role for the EU, and instead he focused on the economic aspects of the role the EU had played so far and how these could be used in resuming the peace process. He identified the main risks emanating from the collapse of the peace process as regional destabilization, Palestinian despair, and the weakening of the PA and thus recommended to continue to substantially support the PA financially after "a collective evaluation [...] to indicate the best way of repairing the damage, resuming the projects which have had to be suspended, and reviewing priorities" and to "make full use" of the Euro-Mediterranean Association Agreements, a framework that in his opinion "[made] it possible to do more" (SOLANA, 2001, pp. 13-14). Nevertheless, the Göteborg European Council did not make any decisions on the EU's role in the peace process, merely confirming the findings of Solana's report and inviting him to "pursue his efforts in close cooperation with the Presidency and the Commission as well as with the parties, the United States and other ac-

¹⁰² Solana had visited the region numerous times since the beginning of the intifada; however this was the first time that his visit's objective was to discuss concrete plans for peace between the parties.

tors, with a view to a continuing active EU role” and “to make new policy recommendations as appropriate” (PRESIDENCY CONCLUSIONS, 2001b, p. 15).

In the aftermath of the terrorist attacks of September 11, 2001, EU efforts to revive the Middle East peace process intensified. The European Council emphasized the “crucial need” to resume peace talks “without any preconditions”, instructing the Presidency of the Council to tour the region “to determine the means by which the Union can foster the relaunch of such a process” (EUROPEAN COUNCIL, 2001a). The EU hoped that the U.S. would launch an initiative as a result of 9/11 and after having been so inactive on the Israeli-Palestinian front, but no concrete initiative materialized in the months following the attacks. The EU, thus, appealed for the U.S. to join European mediation efforts, emphasizing in a declaration in December 2001 that “resolute and concerted action by the European Union, the United Nations, the United States, the Russian Federation, and the Arab countries most concerned is essential and urgent” in order to resume political dialogue between the Israelis and the Palestinians (EUROPEAN COUNCIL, 2001b, p. 30).

During this time, the EU and its member states also became increasingly active in crisis management activities (ASSEBURG, 2003b, p. 20). At the beginning the intifada, in November 2000, European observers, for example, were able to assist the conflicting parties in concluding local ceasefires in the region between Gilo and Beit Jallah in southwest Jerusalem (ASSEBURG, 2003a, p. 23). Another example is German Foreign Minister Joschka Fischer’s mediation between Arafat and Sharon after the Dolphinarium bombing in Tel Aviv in June 2001. This terrorist attack occurred during Fischer’s trip to the region, and he was successfully able to convince Arafat to condemn the attack immediately and to announce a ceasefire as well as to persuade Sharon to employ a measured response, thus preventing a massive Israeli retaliation and a further escalation of the conflict (GARDNER FELDMAN, 2002, p. 28). This demonstrated primarily the EU’s leverage on the Palestinians (see SONTAG, 2001). European mediators, particularly Spain in its function as President of the Council, also facilitated a solution to the crisis of the Church of the Nativity in Bethlehem, helping to end the 38-day siege of the church and the standoff between Palestinian terrorists and the IDF by offering to receive a number of militants in EU member states on a humanitarian basis in the negotiated deal between Israel and the PA (see EU strikes deal, 2002; see also V.2.1). Furthermore, British negotiators contributed to the end of the siege of Arafat’s compound in the spring of 2002 by taking six Palestinian militants being held there into British-

monitored custody (BEAUMONT, 2002). Despite these initial successes in deescalating tensions, European efforts at crisis management only had a limited and temporary impact. EU crisis management activities did not lead to a sustainable de-escalation or a permanent ceasefire. Instead, the situation on the ground continued to deteriorate due to the apparent reluctance of the conflicting parties to abide by and to implement the negotiated ceasefire agreements (ASSEBURG, 2003a, pp. 23-24).

Beginning in early 2002, discussions on the possible ways to end the crisis in the Middle East ensued, with EU member states expressing a desire to play an even more active role in promoting the resumption of the peace process and drafting peace plans. In this context, France and Germany presented two separate peace plans at the EU foreign minister meetings in early 2002. Whereas France called for the declaration of an independent Palestinian state, general elections to give the Palestinians a new democratic leadership, and final status negotiations in its plan drafted by Foreign Minister Hubert Védrine and presented to the EU foreign ministers in February 2002, the German plan, drafted by Foreign Minister Fischer and presented to the EU foreign ministers in April 2002, included a ceasefire, full Israeli withdrawal, Palestinian statehood, mutual recognition and the renunciation of violence, international monitoring and guarantees (possibly in the form of an international peacekeeping force), final status negotiations, the convening of an international regional security conference, and the endorsement of the plan by a UN Security Council resolution (SOETENDORP, 2002, p. 292; FRENCH NON PAPER, 2002; FISCHER, 2002). These plans received support from the other member states, but they did not become the basis for a new EU peace plan. In fact, the EU seemed instead to become more divided on its approach, especially towards Israel, as evident in the discussions surrounding trade sanctions against Israel in April 2002 in the aftermath of Israel's reoccupation of the West Bank (see V.1.1 and V.2.4). But, in June 2002, seemingly overcoming these differences, the European Council issued a declaration outlining the EU's vision of a settlement to the conflict, this being "an end to the occupation and the early establishment of a democratic, viable, peaceful and sovereign State of Palestine, on the basis of the 1967 border" through negotiations, resulting in "two States living side by side" (EUROPEAN COUNCIL, 2002b).

Overall, however, the EU's contribution to ending the violence between the Israelis and the Palestinians was not particularly effective and U.S. ascendancy in the peace process – despite the U.S.'s lack of interest in the Arab-Israeli conflict at the time – was increasingly affirmed. Further frustrating EU efforts was Israel's refusal to allow Sola-

na and the Spanish Presidency to meet with Arafat in his besieged compound in Ramallah in early April 2002 during their efforts to broker a ceasefire between the parties, while simultaneously allowing the U.S. envoy to meet with Arafat (EU team, 2002; see also GÜVENİÇ, 2003, p. 178). The EU had attempted to fill the vacuum in the peace process left by the U.S., only to be rebuked by the Israelis. In fact, this situation in early 2002 “exposed the limits of the EU’s initiatives in the Middle East in the absence of US leadership, and the extent to which the EU involvement hinged on Israel’s approval” (GÜVENİÇ, 2003, p. 178).

In recognition of the fact that only U.S. influence could help in brokering a ceasefire, the EU refrained from announcing an independent peace plan and instead backed the U.S. initiative that led to the creation of the Middle East Quartet, an action that answered the repeated European calls for a collaborative effort in the Middle East. The Quartet, initiated by the U.S. and established in April 2002, was based on earlier EU initiatives and composed of the U.S., the EU, the UN, and Russia in an effort to devise a new approach to mediating the conflict between the Israelis and the Palestinians with the aim of convening an international conference to revive the peace process, thus making the EU formally involved in Middle East peacemaking for the first time and giving it access to political participation in the peace process. The EU hoped that its participation in the Quartet would give it more visibility and influence in the peace process and frequently reiterated its desire to work with its partners in the Quartet to pursue every opportunity for peace. Arguably, the Quartet did give the EU role “a higher political relevance and resonance” (MUSU, 2007, p. 2). The EU’s increased presence as a result of its participation in the Quartet was particularly welcomed by the Palestinians, who hoped that the EU would now counterbalance the U.S. position they perceived as biased. Moreover, the EU hoped that the Quartet would provide it with a tool for influencing U.S. policy as it was formulated as well as the shape of the political solution to the Arab-Israeli conflict in general. If, however, the Quartet actually elevates the EU to an equal diplomatic and accepted actor in the peace process is questionable, not least because the U.S. maintained its leadership role in the peace efforts (ASSEBURG, 2003a, p. 27). In fact, “[t]he Quartet was not conceived to have a formal role, or even a creative one, and throughout the parties understood that the United States remained in control of peace negotiations” (ALTERMAN, 2003, p. 8). So, although it represented an important opportunity for U.S.-EU cooperation, the Quartet has mostly “allowed the

United States to co-opt Europe without giving it a substantial role” (ALTERMAN, 2003, p. 8).

U.S. dominance in the Quartet and in the formulation of policy within the Quartet is demonstrated by many examples (MANDEL, 2003). A few months after the Quartet’s first official statement on April 10, 2002, in which it demanded that Israeli stop its military operations and settlement activities and withdraw from the Palestinian cities it had occupied since the beginning of the intifada and called on the Palestinians to end all violence and terrorist activities directed towards Israel in order resume negotiations (MIDDLE EAST QUARTET, 2002a), U.S. President Bush announced his own ideas for a peace initiative that clearly contradicted the Quartet’s stance at that point (see BUSH, 2002). In a speech on June 24, 2002, Bush declared that it was not the time for a peace conference between the Israelis and the Palestinians, despite European calls for “the early convening of an international conference” (EUROPEAN COUNCIL, 2002b). He instead emphasized his support for a two-state solution to the conflict and for a provisional Palestinian state as soon as the Palestinians installed a new democratic leader and institutions and effectively fought terrorism. The Palestinians had to fulfill these conditions before Israel had to resume negotiations with them. In contrast to the Quartet’s initial statement, Bush did not call for the Israelis to end the occupation and settlement activities. The Quartet responded to Bush’s speech with a statement on July 16, 2002, supporting Bush’s vision of a two-state solution, but also partially rejecting some of the details of his speech (MIDDLE EAST QUARTET, 2002b). It, for example, confirmed Arafat’s leadership and did not call for the Palestinians to replace him as their leader, demanded immediate Israeli withdrawal from the Palestinian territories occupied since the beginning of the intifada, and drafted a plan based on reciprocity in which the Palestinians and Israelis should approach each other incrementally. Particularly the issue of Arafat’s leadership was contentious and divided the members of the Quartet with the U.S. supporting the Israeli position that Arafat was not a suitable partner for peace, on the one hand, and the EU and the other Quartet members reaffirming Arafat’s status as the legitimate, democratically elected leader of the Palestinians while simultaneously supporting Palestinian institutional reform efforts, on the other hand (PURDUM, 2002; MANDEL, 2004). This pattern continued, with the U.S. influencing the release of the Quartet peace plan, the *Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict* [Roadmap]. Drafted in October 2002 and endorsed by the Quartet in December 2002, the U.S. deferred the release of the authorita-

tive version of the Roadmap until after the Israeli elections in January 2003. In the meantime, the U.S. became consumed with Iraq and its invasion thereof in March 2003 and once again delayed the publication of the plan, despite European calls for its immediate publication and implementation (see *PRESIDENCY CONCLUSIONS*, 2003a, p. 34). After the initial ‘successes’ in Iraq in the spring of 2003, Bush indicated that the time was right to finally reveal the contents of the plan, but conditioned its release on the appointment of a new Palestinian Prime Minister in order to keep Arafat marginalized in the negotiations and the new peace process. After Mahmoud Abbas was appointed as the Palestinian Prime Minister, the contents of the Roadmap were finally revealed on April 30, 2003.

Despite the U.S. influence on policy-making within the Quartet, “there is good reason to argue that the EU had a decisive input in initiating and drafting” the Roadmap (KAIM, 2004, p. 43). In fact, it seems that the EU was able to integrate elements of its approach to a solution in the Roadmap, making the Roadmap an “important, albeit partial success for European diplomacy” (ASSEBURG, 2003b, p. 24). The U.S.-backed Roadmap contained elements of Solana’s 2001 report, German Foreign Minister Fischer’s peace plan of April 2002, and a peace plan proposed by the Danish Presidency of the EU and adopted by the EU foreign ministers at an informal meeting in Elsinore in late August 2002 that was based on Bush’s vision of a two-state solution and consisted of three phases – ensuring security in Israel and in the West Bank, Palestinian political reforms, and final border negotiations and a solution to the issue of Jerusalem’s status – on the path to this solution (CHRONOLOGICAL REVIEW, 2002). This ‘roadmap’ significantly influenced the Quartet’s policy concerning a peace initiative that was initially delineated in September 2002 and later became the basis for the Quartet’s Roadmap for Peace (see *MIDDLE EAST QUARTET*, 2002c). The Roadmap for Peace outlined three phases with timelines, target dates, and benchmarks “aiming at progress through reciprocal steps by the two parties in the political, security, economic, humanitarian, and institution-building fields” in order to reach a final and comprehensive settlement of the conflict by May 2005 (ROADMAP, 2003). The implementation of the Roadmap was to occur in phases. The first phase dealt with Palestinian security reform, Israeli withdrawals, and Palestinian elections. Once this phase was completed, the second phase envisioned the creation of a Palestinian state within provisional borders and a new constitution before entering into the final settlement negotiations in the third phase of the peace plan. Thus, in addition to the fact that the Roadmap became a joint

US/UN/EU/Russian initiative, the EU was successful in pushing the principles of parallelism and reciprocity; the need for a realistic political perspective and a clear timetable; and immediate gains for both parties in the peace plan.

Yet, the ability of the EU to expand on its new role in the peace process through its membership in the Quartet was limited. Although both parties – on Israel’s side somewhat reluctantly – agreed to implement the Roadmap at the Aqaba Summit on June 4, 2003, problems in doing exactly this arose almost immediately and succeeded in derailing the Roadmap in its first phase, because the Palestinians had difficulties in maintaining a ceasefire and Israel continued its liquidation policy against Hamas leaders (see HARDY, 2003). A further setback for the Roadmap was Abbas’s resignation in September 2003 that came as the result of a power struggle with Arafat over the control of the Palestinian security forces and the fact that Israel refused to negotiate with Abbas’s successor, Ahmed Qurei. During this time of crisis, the EU once again was restrained to repeatedly urging the Israelis and the Palestinians “to refrain from any action which might lead to the resumption of the cycle of violence” and chastised the “insufficient effort [...] made [...] to seize the opportunity for peace set out in the Road Map”, calling on them to “immediately and simultaneously fulfil their obligations and responsibilities under the Road Map” (COUNCIL PRESIDENCY, 2003a; 2003b, p. 15; PRESIDENCY CONCLUSIONS, 2003d, p. 16). The EU stressed its determination “to contribute in all aspects of the implementation of the Road Map”, and continued financial assistance to the Palestinians as well as its support of Palestinian reform efforts (PRESIDENCY CONCLUSIONS, 2003b, p. 16; see also V.1.3.2). One aspect that the EU pushed for – albeit to no avail – was the establishment of a credible and effective third-party monitoring mechanism to monitor and assist in the implementation of the Roadmap (see EUROPEAN COUNCIL, 2002a; PRESIDENCY CONCLUSIONS, 2003a). No new European initiatives were forthcoming in light of the Roadmap’s difficulties; however, the foreign ministers did decide to begin the procedures of adding the political branch of Hamas to the EU’s terrorist list in September 2003 (COUNCIL PRESIDENCY, 2003b).

In the next phase of the conflict, the EU’s political role was also limited, as Sharon, convinced that there was no suitable negotiating partner on the Palestinian side, took matters into his own hands – without consulting the Palestinians – and announced Israel’s unilateral withdrawal from the Gaza Strip and parts of the West Bank in December 2003 (a draft of this plan was officially presented in February 2004). The dis-

engagement plan represented a major break with past Israeli policy that can also be attributed to the continuous violence that gave rise to the wish on part of Israel to separate from the Palestinians, the growing domestic criticism that Sharon was inactive in light of the conflict, and the growing fear of a demographic Palestinian majority in the Jewish state (VAN DIJCK & REYCHLER, 2004). Sharon's plan, as presented to U.S. President Bush in April 2004, thus called for the evacuation of the Gaza Strip and an area in the Northern Samaria Area of the West Bank (see DISENGAGEMENT PLAN, 2004). In an exchange of letters with Sharon, Bush assured his support of the plan, in which the Israeli settlements in the West Bank would remain even after the negotiation of a final status agreement between the Israelis and the Palestinians. In fact, Sharon's plan did not foresee the resumption of negotiations with the Palestinians. Moreover, it emphasized Israel's "right of self defense, both preventive and reactive, including where necessary the use of force, in respect of threats emanating from the Gaza Strip" as well as Israel's continued control of the borders, the coastal waters, and the airspace in Gaza.¹⁰³

The EU did not welcome this plan with open arms, because it represented a bypassing of the Roadmap, a document that it so emphatically supported. In light of Sharon's disengagement announcement, Solana outlined three conditions that the plan had to meet in order to receive EU approval in February 2004: 1) disengagement is done in cooperation, coordination, and in dialogue with the Palestinians, representing the long-held EU belief that a solution to the conflict could only be achieved through negotiation; 2) relocation may not lead to new settlements in the West Bank, articulating the EU's rejection of Israeli settlement policy; and 3) the process must remain in line with the Roadmap, which the EU viewed as the optimal way to reach final status negotiations and a two-state solution (JOINT PRESS BRIEFING, 2004). The Council added to these conditions by emphasizing that "there should be an organized and negotiated handover of responsibility to the Palestinian Authority" in reiteration of its support for a two-state solution and called on Israel to "facilitate rehabilitation and reconstruction" in the Gaza Strip, a position confirmed by the European Council in March as well as the EU's readiness to support the PA in taking responsibility for law and order in the Gaza Strip (COUNCIL, 2004c, p. 8; PRESIDENCY CONCLUSIONS, 2004a). Bush's support for the unilateral Israeli withdrawal and his concessions to the Israelis were heavily criticized by the EU at an informal meeting of the foreign ministers in Tullamore, Ireland, in April 2004. Some member states, particularly France and Belgium, interpreted Bush's

¹⁰³ Sharon's plan was approved by his Cabinet in June 2004, after which a Revised Disengagement Plan was released (see CABINET RESOLUTION, 2004).

support as pre-empting a negotiated settlement, while Germany and Great Britain preferred to support the Gaza plan, fearing that confronting the U.S. would risk losing the Roadmap (VAN DIJCK & REYCHLER, 2004, p. 7). In the end, the foreign ministers emphasized that the Roadmap is the only chance to achieve lasting peace in the Middle East; therefore, the EU would not recognize any unilateral modifications to the 1967 borders that do not result from a negotiated agreement between the Israelis and Palestinians (COUNCIL PRESIDENCY, 2004; BACIA, 2004, p. 3). Yet, the EU was not able to significantly influence Sharon's disengagement plan or the U.S. in this matter, this being demonstrated in the fact that Sharon "got almost everything he had asked for" from Bush with respect to the Gaza withdrawal (VAN DIJCK & REYCHLER, 2004, p. 18). Nevertheless, the EU (and the Quartet for that matter) continued to maintain that the Roadmap was still valid and that unilateral initiatives must be in tune with it and its vision of a two-state solution (MIDDLE EAST QUARTET, 2004).¹⁰⁴

3.4 A Window of Opportunity in the Peace Process and a New Role for the EU?

Arafat's death in November 2004 brought renewed optimism to the dormant peace process, with elections for a new Palestinian president being scheduled for January 2005. New urgency with respect to the development of Palestinian institutions thus dictated EU policy in the following months. In November, the European Council endorsed a short-term program of action in the fields of security, reforms, elections, and economy (these actions were proposed by Solana) in support of the PA (PRESIDENCY CONCLUSIONS, 2004b). After the election of Abbas in January 2005, the EU continued its financial and technical support of the Palestinians, announcing at the London Meeting on Supporting the Palestinian Authority in March 2005 that it would provide € 250 million in assistance to create a functioning judiciary, support the elections, and continue efforts to improve governance and financial transparency, and that it would continue to assist the Palestinians in restructuring the police forces (FERRERO-WALDNER, 2005a; SOLANA, 2005a; see also V.1.3.2 and V.2.6). Aiming at preparing the Palestinians for a state in light of Israel disengagement in Gaza, the Commission also outlined a medium-term strategy for supporting progress towards a two-state solution, focusing on strengthening the political and economic viability of a future Palestinian state (EUROPEAN COMMISSION, 2005b). Thus, for the most part the EU fol-

¹⁰⁴ Israeli withdrawal from Gaza began on August 15, 2005. By mid-September the last Israeli soldier left Gaza.

lowed the same old strategy, pledging money to assist Gaza's economy and calling on the conflicting parties to resume peace negotiations.

Yet, a new element of European policy towards the Arab-Israeli conflict emerged as a result of Israeli disengagement. In August 2005 Solana offered European assistance in controlling the border crossing between Gaza and Egypt (see Solana *bietet*, 2005). Following the marathon negotiations between Israel and the Palestinians on the movement and access and the principles of the Rafah crossing in November 2005, Israel and the PA invited the EU to deploy a mission to assist and monitor customs and border crossings at Rafah in late November 2005, which the Council embarked on by deciding on establishing a border assistance and monitoring mission within the ESDP framework (COUNCIL, 2005d; see V.2.6). For the first time, the EU was able to increase its practical involvement in Middle East politics by deploying an ESDP mission to the region. A second ESDP mission was also decided on in late November 2005: The Council acted to upgrade its police assistance to the Palestinians to a police mission under the ESDP that was to advise and assist the Palestinian Civil Police in implementing reforms (COUNCIL, 2005c; see V.2.6). Despite the expansion of the EU role in this new foreign policy field, the situation in the Middle East that developed shortly after the deployment of these missions has hampered their progress, causing them to be temporarily suspended (see V.2.6).

The hopes for peace and for the positive development of Palestinian institutions and economy after Israeli disengagement receded in early 2006 with the election of Hamas and the renewed outbreak of full-scale violence in the region. The EU and the Quartet discontinued financial support to the PA and were forced to find new options of supporting the Palestinians (see V.1.3.3). Violence between the Palestinian factions ensued, and, in reaction to the abduction of an Israeli soldier by the Hamas, Israel reoccupied Gaza with force, destroying public buildings and arresting Palestinian legislators (NEUGART, 2007, p. 280). Yet, because the EU had no contacts with Hamas, it had minimal possibilities to bring the conflicting parties to the table and was limited once again to expressing its concern about the situation and calling on "all parties to abstain from any actions that are in violation of international law" as well as "on the Palestinian leadership to bring an end to violence and terrorist activities" (COUNCIL PRESIDENCY, 2006). Conflict also ensued along the Israeli-Lebanese border, with Israel engaged in a massive military offensive against Hezbollah forces in southern Lebanon in July 2006 in response to Hezbollah attacks on targets in northern Israel and its kidnapping of

Israeli soldiers, eventually embarking on a ground invasion of southern Lebanon. The EU reacted to this situation by initially calling for the “immediate cessation of hostilities” in mid-July and later for the “immediate cessation of hostilities to be followed by a sustainable cease-fire” (COUNCIL, 2006d; 2006i). EU diplomatic initiatives with respect to the Lebanon crisis seemed to be hampered by internal disagreements, as member states disagreed on whether the EU should demand an unconditional ceasefire or not, thus resulting in the weaker language calling for the cessation of hostilities without demanding an immediate ceasefire. Nevertheless, the Council announced in August that EU member states would make a substantial contribution to the UNIFIL II mission in Lebanon to enforce the ceasefire (see COUNCIL, 2006f), this decision being regarded by some observers as a “watershed” event that “could usher in a much deeper European involvement in the conflicts of the Middle East” (DEMBINSKI, 2007, p. 1). Yet, this contribution is not an EU operation or part of an EU force package to UNIFIL; although the European contribution is clearly visible as EU member states contribute about half of UNIFIL’s operational force, operational and strategic control does not rest with the EU, but rather with the participating member states. Interestingly enough, despite the EU’s energetic commitment, the member states initially balked at committing troops for UNIFIL at the first conference of troop providers, with France prominently holding back out of concern with the mission’s unclear mandate until the Italians signaled their willingness to provide the operational command for UNIFIL (see GRAFF, 2006; DEMBINSKI, 2007). Despite these stumbling blocks, the UNIFIL contribution represents an important step in European policy and political ambitions in the region. As is the case with the ESDP missions in the Palestinian territories, the member states’ contribution in Lebanon “may well indicate an increased Israeli inclination to accept a greater European role in Middle East politics”, especially a greater security role (DEL SARTO, 2007, p. 72).

Nonetheless, some EU member states continued to push for a more political role for the EU, and in November 2006, in a sign of frustration with the inaction in the peace process, Spain, France, and Italy – surprising the rest of the member states – proposed a five-point plan calling for an immediate ceasefire in the region, a Palestinian national unity government, talks between Olmert and Abbas, a prisoner exchange, and an international mission in Gaza to monitor the ceasefire, a plan they hoped would be adopted at the European Council summit in December (KUBOSOVA, 2006; WHITAKER, 2006). Although addressing some of these issues, the European Council instead called

once again for the “full and speedy implementation of the Road Map” and enhanced Quartet activities in the Middle East, refraining from adopting any new EU initiatives at this point in time (EUROPEAN COUNCIL, 2006a). In this context, in January 2007, German Chancellor Merkel, in her position as President of the European Council, worked to rejuvenate the Quartet’s efforts towards peace and was able to secure U.S. President Bush’s commitment to reengage in the search for a conflict settlement. Another success of her diplomatic efforts was the convening of the first Quartet meeting in more than one year in March 2007 (LEITHÄUSER, 2007; MÖLLER, 2007). Nonetheless, by the end of the German presidency in June 2007, the situation in the region did not appear conducive to EU efforts to achieve an active European political or security role in the search for a solution to the conflict: The Palestinians were becoming increasingly divided and engaged in factional fighting, ultimately leaving Gaza under the control of the Hamas and the West Bank under the control of a caretaker government appointed by President Abbas, and tensions between Israel and Hamas as well as Hezbollah remained high, culminating in continued rocket attacks and violence.

3.5 Member State Policy towards the Arab-Israeli Conflict since 1993

Despite having developed a relatively common position towards the Arab-Israeli conflict in the past years, differences between the member states’ positions remained prominent throughout this time period, as demonstrated by the occasional solo efforts and initiatives promoted by the member states, especially when the peace process was in crisis. And although attempts to break out of the official EU line have diminished overall, Middle East policy, due to its sensitive nature, remains a policy field in which “national voices exist largely in tandem with the official EU line”, mostly because “member states are reluctant to give up their freedom of maneuver” (AMBOS & VON BEHR, 2004, p. 298). In fact, the Middle East is often associated with member states’ notions of national purpose and identity – this being a result of their historical and colonial experiences in the region – perhaps more than any other region in the world, contributing to the fact that “member states prefer to leave the door open for national priorities” (AMBOS & VON BEHR, 2004, p. 298). France, Great Britain, and Germany are no exceptions, their policies being influenced by a rich history in this region that influences their positions today and is brought into their stance towards a common European Middle East policy. The years of European political cooperation have succeeded in converging these member states’ general positions on critical issues in the Arab-Israeli con-

flict such as the refugee issues, Israel settlement policy, final borders, and the status of Jerusalem. Yet, the member states are still autonomous foreign policy actors, and they use the Arab-Israeli conflict to promote various interests within and outside of European Middle East policy: Either the member states use this issue to advance their own interests within European foreign policy or they see the peace process as “an opportunity to polish up their image at home” (AMBOS & VON BEHR, 2004, p. 305). The following section thus examines the development of the Middle East policies of France, Great Britain, and Germany since 1993 in the overall context of European policy towards the Arab-Israeli conflict.

3.5.1 French Policy

France is undoubtedly one of the most influential EU member states with regard to Middle East policy matters and has heavily influenced European policymaking towards this region since the beginning of foreign policy cooperation in the early 1970s. French policy towards the Arab-Israeli conflict remains pro-Arab and is strongly attached to the establishment of a Palestinian state, a stance that is largely motivated by its political and economic interests in the Arab world as well as the presence of a growing Arab population in French society, giving the Arab-Israeli conflict for France an internal dimension as well. As a result of its colonial past and historic ties to the Arab world, today “France often tends to see the regional conflict more through Arab than Israeli eyes” (AMBOS & VON BEHR, 2004, p. 298). In this context, France has traditionally advocated the internationalization of the search for a solution to the conflict to counter the U.S. monopoly over peace efforts and has pressed for a very active role for itself and for the EU in the mediation between the conflicting parties, justifying such an enhanced role by referring to France’s and other member states’ long-standing engagement in the Middle East (HERSCHO, 2005; 2006, pp. 37-38). It has also repeatedly called for the implementation of UN resolutions, particularly 242 and 338, which it interprets as demanding Israeli withdrawal from all territories occupied in 1967. In this light, France regards Jewish settlements in the occupied territories as violations of international law and, as such, an impediment to the creation of a Palestinian state and thus the solution of the conflict, a fact that results in constant calls for the dismantlement of these settlements.

Marginalized in the aftermath of the Second Gulf War and the Madrid peace process, France began to demand a larger political role in the peace process after Chirac’s as-

sumption of the presidency in 1995. In his determination to reverse this marginalization, Chirac embarked on pursuing a new Arab policy and vigorous diplomacy in the region, resulting in the French intervention in the Lebanon crisis of 1996 highlighted above (see 3.2. of this chapter). This ‘go-it-alone’ policy mindset was “often the result of the EU’s incapacity to develop concrete measures apart from declarations” (AMBOS & VON BEHR, 2004, p. 300). In light of the EU’s difficulties in implementing concrete policy measures, France also pushed the EU to develop a common policy and became a leading proponent of an EU role in the Middle East, advocating, for example, for the appointment of a special envoy and a broad mandate for this task, demanding an equal role for the EU alongside the U.S. in the peace process, or seeking to enhance the EU’s status as a mediator (GORDON, 1998b, p. 34). In fact, it viewed itself as the motor pushing the EU forward with respect to Middle East policy, suggesting initiatives – for example the 1997 EU-proposed ‘Code of Conduct’ to bring Israel and the Palestinians back to the negotiating table or its peace plan proposed in early 2002 – and encouraging the other member states to play a larger role in the peace process as well. Often, European Middle East policy moved forward as a result of this type of French engagement in the region (COGHE, 2001, p. 19). France, however, realized quickly that its policies gain weight by Europeanizing them; thus, it increasingly regarded Middle East policy at the EU level as a complement to its national policies (AMBOS & VON BEHR, 2004, p. 299), making the European dimension an important and irreplaceable dimension of French policy. Consequently, it became important to France “not to demolish EU Middle East policy through too extreme positions, but to instead gingerly steer policy in the desired direction without losing its reputation in the Arab states through being too willing to compromise” (COGHE, 2001). Yet, France’s attitude towards a leading EU role was and is also “marked by tension between strong European feelings and the desire to play an independent role on the world stage”, making it reluctant to fully surrender its traditional national role (AMBOS & VON BEHR, 2004, p. 299). Member state positions towards France in this respect reflect this: They mistrust French positions and suspect that national interests are behind French demands of giving the EU a more important role, causing them to attempt to balance the French desire to be a counterweight to the U.S. Thus, France, at times, proved “unsuccessful in its efforts to use the European forum as leverage to promote French political ambitions in the Middle East peace process” (WOOD, 1998, p. 569).

In the first years of Chirac's presidency, the France's willingness to engage itself politically in the region was at its pinnacle. French policy during this time seemed peculiarly linked to Chirac's personality: His personal relationships with Arab leaders such as Saddam Hussein, Yassir Arafat, Bashar al-Assad, and Hassan Nasrallah became "the backbone of French Middle East policy" (GUITTA, 2005, n.p.). Chirac became very popular in the region as a result of his support of these leaders, and it seemed to grow as he increasingly juxtaposed his pro-Arab stance with U.S. policy. In fact, Chirac's embrace of these leaders may have been, next to the desire to bolster French prestige and influence in the Middle East, a result of his desire to undercut U.S. policies as well as to please the Muslim constituency in France. France's support of Arafat led it, however, to "turn a blind eye to his role in terrorism" and to exonerate him from the failures of peace negotiations (GUITTA, 2005, n.p.). French support of Arafat's leadership continued throughout the intifada, while the U.S. and Israel sought to isolate him from 2002 until his death in late 2004. During this time period, France repeatedly reaffirmed Arafat's role in the Middle East and his legitimacy as the leader of the Palestinians. While arguably bolstering French prestige, it remains unclear as to if Chirac's policies actually translated into "real influence" in practice vis-à-vis the more radical elements of Arab society (GUITTA, 2005, n.p.).

Yet, the beginning of cohabitation in France (1997-2002) resulted in the political initiative moving away from Chirac, and in this constellation France did not seem able to contribute to peace efforts in the region, neither alone nor in combination with the EU member states (HUBEL, 2000). France was also not able to play a role in the efforts to resume peace negotiations after the outbreak of the intifada, with Israel rejecting a French role due to increased anti-Semitism in France and the deep-seated perception that France could not be trusted and could not fulfill the role of an honest broker (HUBEL, 2000). The last "serious" attempt at increased French engagement in the Middle East peace process was the peace plan proposed by Foreign Minister Hubert Védrine in February 2002 at an EU foreign ministers' meeting, but its call for the immediate establishment of a Palestinian state did not find resonance among the other EU member states, leading to its quick demise (SCHÄFER & SCHMID, 2006, p. 91). Since the confrontation with the U.S. over Iraq in early 2003, France has tried to avoid friction with the U.S. and has been "less openly critical in order to win more influence" (BIRAMBAUX, 2007, p. 5). It has also moved to improve its ties with Israel after these suffered a low in the beginning of the new century (see HERSCHO, 2006). This new

pragmatic approach “may create the impression that France is not as active as before on the international scene” (BIRAMBAUX, 2007, p. 5). And in fact, from the end of 2004 until the presidential elections in the spring of 2007, there was a “lack of vision” in French Middle East policy, this being heavily attributed to the fact that Chirac’s term as president was slowly coming to an end. In the wake of the crisis in Lebanon in July 2006, France once again took the initiative and became the leader in efforts to resolve the crisis, shuttling between all actors in the conflict and initiating a UN resolution concerning a ceasefire, and acting with other Mediterranean member states to draft a peace plan in late 2006 (BENNHOLD & BILEFSKY, 2006; DE BEER, 2006). Yet, overall the French role in the Middle East during this period has been characterized as losing influence, not just in the Middle East but in the EU as well. The accession of Nicolas Sarkozy to the presidency in May 2007 sparked movement in French Middle East policy, with Sarkozy pursuing a number of initiatives such as the Mediterranean Union in an attempt to restore French power in the region and in the EU (HERSCHO, 2008).¹⁰⁵ Overall, one observes that France is slowly becoming aware of the fact that it “cannot act as a ‘lonely rider’ anymore, because it lacks the means to do it” (BIRAMBAUX, 2007, p. 5). Because France increasingly regards the EU as a power in its own respect, it has thus gradually learned to abandon its preference for creating bilateral links and to instead use its old ties for the sake of the EU. Nevertheless, this more often than not occurs in the context of furthering French ambitions of gaining influence for itself (and occasionally for the EU) and in attempts to balance the U.S. in the region.

3.5.2 British Policy

The decline of the British Empire in the Middle East left British policy focused on strategic and economic interests; in order to pursue these, British policy has waffled between two long-standing approaches to Middle East policy: On the one hand, the diplomatic approach, based on maintaining ties with the existing regimes or those likely to take power, regards Israel as an irritant that complicates British relations with the Arab world, a position that comes close to the dominant European perspective. Proponents of this approach, mostly in the Foreign Office and in the Labour Party, are also against overt support for the U.S. in the region. The strategic approach, on the other

¹⁰⁵ Sarkozy’s initial proposal on the creation of a Mediterranean Union was seen as an attempt to bypass the EMP and to promote France’s influence at the expense of other member states; however, after German objections, Sarkozy agreed to make the MU an EU project. See BENNHOLD, 2007; 2008; SCHMID, 2008.

hand, emphasizes that aggressive, anti-Western regimes and belief systems are the principle threats to Middle East stability and British interests, causing its advocates, generally in the Conservative Party but also among moderate Labour leaders (i.e. Tony Blair and Gordon Brown), to view Israel as a valuable regional partner and to be closer to U.S. policy views of the region (SPYER, 2004; RYNHOLD, 2006). This has resulted in interesting developments in British policy vis-à-vis the Arab-Israeli conflict. The breakthrough in the peace process in 1993 lessened the tensions between the diplomatic and the strategic approaches, allowing Great Britain to improve its relations with Israel by, for example, ending its arms embargo to Israel, because it no longer felt constrained by the Arab boycott, and to also become a major partner in the establishment of the PA with Prime Minister John Major becoming the first leader to meet with Arafat in the autonomous Palestinian territories in 1995. Great Britain therefore began to follow a more balanced policy with respect to the Arab-Israeli conflict, as ties with the parties to the conflict no longer seemed mutually exclusive and nor dictated by the zero-sum attitude that was prevalent before Oslo. The progress in the peace process increasingly made the pursuit of a balanced policy in the 1990s thus “relatively easy” (RYNHOLD, 2006, p. 25). The election of Tony Blair and the Labour Party did not change this pattern (SPYER, 2004, n.p.).

Once the peace process began to collapse, however, the diplomatic approach began to reemerge with Great Britain increasingly serving “as the public face of international disapproval of Israeli policy” in its repeated calls on Israel to fulfill the agreements on the redeployment of forces (i.e. the Hebron Protocol), to halt settlement expansion, and to refrain from unilaterally changing the boundaries of Jerusalem (CALABRESE, 2001, p. 79). This is especially evident in Foreign Minister Robin Cook’s actions during a visit in the region in March 1998, in which he toured Har Homa, a Jewish housing project in East Jerusalem, the expansion of which had caused a crisis in the peace process, to express his disgust with Israeli settlement policy and in an attempt to jumpstart the peace process, a visit deemed unacceptable by Israel (LOCHERY, 2007). Nevertheless, Blair, due to his personal sympathy towards Israel, pushed British Middle East policy in a more strategic direction and was among European leaders the “most critical” of Arafat’s support of terrorism and the PA’s failure to act against it, repeatedly calling on the EU to add Hamas and Hezbollah to the EU’s list of terrorist organizations (RYNHOLD & SPYER, 2007, p. 152). Moreover, Blair also stood out among European leaders in his support of Sharon’s unilateral disengagement plan. This signaled a

shift to a more pro-Israel policy in line with the U.S. position. A main stimulus in the changes in Blair's Middle East policy in this respect was 9/11 and its fallout (i.e. the war on terrorism).

Underpinning both approaches to British Middle East policy is "the tension between an Atlantic or pro-American orientation and a European orientation", a tension resulting from the fact that Britain has sought to retain influence in the region by working closely with both the U.S. and the EU in an attempt to offset its decline as a great power (RYNHOLD, 2006, p. 21). In reconciling its relationships with the U.S. and the EU, Great Britain has determined that the best way is "to act as a bridge between the United States and Europe", a practice most visible in the Arab-Israeli arena (RYNHOLD, 2006, p. 21). On the one hand, Great Britain has demonstrated time and again "a consistent willingness to adopt formal European positions that differ from the American stance" and has repeatedly welcomed autonomous European initiatives in the region (RYNHOLD, 2006, p. 25; RYNHOLD & SPYER, 2007, p. 145). In fact, the European influence on British Middle East policy has resulted in a shift "closer to the more pro-Arab position of the EU consensus", making Great Britain sound on a declaratory level not greatly different from other EU countries (RYNHOLD, 2006, p. 25; RYNHOLD & SPYER, 2007, p. 145). On the other hand, due to its special relationship with the U.S., Great Britain accepts in practice U.S. diplomatic leadership in the Middle East and supports a U.S.-led peace process. This causes it to coordinate the U.S. and EU position, mainly seeking "to use the good offices of the EU in assistance to U.S. efforts" (SPYER, 2004, n.p.). In this context, it does not pursue the development of an independent European role in the peace process as a counterbalance to the U.S., in contrast to France, and expends much effort in encouraging Europe to play a complimentary role to U.S. diplomacy, as seen in its reluctant support of appointing an EU envoy to the region in 1996, in its focus on complementarity during its Presidency of the Council in the first half of 1998, and its support of U.S. policy after 9/11.

In this context, the overall aim of British policy towards the Arab-Israeli conflict is to serve as a bridge between the EU and the U.S. positions. In striving to do this, Blair particularly sought to define a more active role for Britain within the EU with respect to the peace process through means compatible with U.S. efforts. For example, while Britain's criticism of Israeli settlement policy and occupation of the West Bank and Gaza Strip place it closer to the EU line than to the U.S. position, Blair would often express his understanding for Israeli actions and criticize the PA's lack of action against

terrorism and terrorists (SPYER, 2004, n.p.). With respect to Arafat, Blair agreed with European leaders that Arafat was the legitimate leader of the Palestinians and should not be replaced; yet, at the same time he expressed understanding for Bush's position because of Arafat's failure to implement measures to secure a settlement to the conflict and act against terrorism. Blair also sought to encourage the U.S. to be more active in the peace process after 9/11, supporting Bush's plan for the reform of the Arab world, but also arguing that the resolution of the Arab-Israeli conflict was necessary as well, because Arab regimes continuously used the conflict as an excuse not to implement domestic reforms (RYNHOLD, 2005, p. 4). In this context, Blair pushed the U.S. to quickly publish the Roadmap (which did not occur) and to adopt a more proactive policy (which was slow in coming) as well as to place more pressure on Israel in return for European support and assistance (RYNHOLD & SPYER, 2007, p. 146). After the U.S. finally released the contents of the Roadmap in April 2003, British policy turned to "to keep[ing] the plan alive in the minds of American policymakers" (RYNHOLD & SPYER, 2007, p. 152). The bridging policy is also evident in Great Britain's voting pattern in the EU, in which it is less critical of Israel than, for example, France and Italy but also less likely to try to block anti-Israeli moves than Germany, attempting to give EU policy a moderate, balanced stance (SPYER, 2004). Nevertheless, despite Britain's more or less balanced policy towards the Arabs and the Palestinians, on one side, and the Israelis, on the other side, crises in the Middle East peace process usually lead and have led to "a closing of the ranks between the United States and Britain" (CALABRESE, 2001, p. 79). In fact, following 9/11 the close relationship between Bush and Blair translated into a "near merging" of British and American policy aims towards the Middle East and the Arab-Israeli conflict (LOCHERY, 2007, p. 14). Thus, Great Britain's support of autonomous European policy is generally more passive, as it places more importance on its relationship with the U.S. In this context, it normally supports U.S. policy in the region, giving it a rather pro-Israel policy direction.

RYNHOLD & SPYER (2007) argue that this strategy of bridging has occasionally "strengthened Britain's standing while contributing to a more united and thus more influential international role in the peace process" (p. 154). In this respect, Great Britain was able to host an international conference on Palestinian reform in March 2005 when the U.S. was not interested in doing so and the other powers in the EU lacked the ability to gain U.S. and Israeli support, a development that "greatly helped to raise Britain's prestige within Europe" (RYNHOLD, 2006, p. 26). Overall, however, this conference

did not produce significant results. In fact, RYNHOLD & SPYER (2004) argue that although Great Britain's bridging strategy gives it the sense of having more clout in the Middle East it often "produces the appearance, rather than the reality, of substantial influence" (p. 155).

3.5.3 German Policy

German policy towards the Middle East remains influenced by its historical and moral responsibility for Israel, resulting in German support for Israel's right of existence and recognition, one the one hand. On the other hand, however, German economic interests were and are viewed to be best served by strong ties with the Arab world. In this context, German Middle East policy has been continually faced with a dilemma that demands "a high-wire act between the two goals of maintaining economic ties with the Arabic [*sic*] world and simultaneously maintaining the special relationship with Israel" (KAIM & LEMBCKE, 2002, p. 17). Consequently, Germany was forced to follow a balanced or even-handed policy towards the parties – a policy that was difficult to pursue in the midst of conflict, thus leading to a rather restrained policy towards the region and German reluctance to become diplomatically involved in the Arab-Israeli conflict. The breakthrough in the peace process created more room for maneuver for German policy and created the possibility of active engagement in the region. During the Oslo peace process, Germany was able to pursue its policy of even-handedness more actively, deepening its involvement and cooperation with the Palestinians – as demonstrated by Arafat's visit to Germany in December 1993, the establishment of intensive government contacts¹⁰⁶, and its financial support for the Palestinians as the largest bilateral donor (WEINGARDT, 2002, p. 358). In addition to its support for Palestinian self-determination and the eventual establishment of a Palestinian state, the progress in the peace process as well as the deepening relations with the Arabs "created new dimensions for Germany in its relations with Israel" (STEINBACH, 2003, p. 91): Germany continued to cultivate its special relationship with Israel, striving to normalize relations under Chancellor Kohl and supporting Israel's wish for closer cooperation and a privileged partnership with the EU – support that led to the European Council's declaration in Essen in December 1994 that highlighted Israel's special status in its relations with the EU as well as to the conclusion of an association agreement between the EU and Israel in 1995 (see PRESIDENCY CONCLUSIONS, 1994b; EURO-MEDITER-

¹⁰⁶ Germany was the first European state to open a liaison office in Jericho in August 1994.

RANEAN AGREEMENT, 2000). Yet, German policy remained passive, and Germany continued to refrain from pursuing autonomous diplomatic initiatives, preferring to support the U.S. in its diplomatic endeavors and to act within the EU framework.

The new government elected in 1998 under Chancellor Gerhard Schröder also initially pursued the traditional, rather passive policy with respect to diplomatic engagement in the Middle East, rejecting an active mediating role for Germany as well as the EU due to Germany's special relationship with Israel and with the U.S. (WEINGARDT, 2002, p. 396). Nevertheless, a shift in German policy became evident as violence in the region escalated and the peace process moved to the brink of collapse. The trust that Germany had gained on both sides as a result of its even-handed policy in the 1990s presented it with the chance for a more active policy. Yet, the shift away from traditional German restraint in the conflict to a mediator and the motor of European mediation efforts transpired somewhat "coincidentally" (MAULL, 2003, p. 125). During a visit to the region in June 2001, Foreign Minister Fischer was in Israel when a Palestinian terrorist attack occurred in Tel Aviv. Because he was already there, he undertook the task of mediating between Sharon and Arafat, thereby convincing Arafat to condemn the terrorist attack and to announce a ceasefire. In this respect Fischer was successfully ensured a de-escalation of the conflict and prevented an Israeli retaliatory attack that would have provoked even more violence. During this mediation effort, the German Foreign Minister was able to win the trust of both leaders as a credible partner and to gain prestige as a capable mediator in the international community. Fischer became more active in the efforts towards Arab-Israeli peace, the pinnacle of which being a peace plan he introduced in April 2002 with the aim of bringing the parties back to the negotiating table (see 3.3 of this chapter). Some of Germany's newfound willingness to engage in an active mediating role can be attributed to its disappointment in U.S. inactivity and the U.S.'s blatant pro-Israeli bias since George W. Bush's assumption of the presidency in early 2001. Nevertheless, Fischer's plan did not produce any results, as the conflicting parties were not receptive to EU influence and U.S. inactivity meant that no revival of the peace process could feasibly materialize.

The 9/11 attacks and the run-up to the Iraq invasion in March 2003 provided Germany with a new foreign policy context, with Schröder mapping out a more assertive policy and attempting to build a counterweight to the U.S. together with France and Russia, an act that damaged traditional U.S.-German ties. Although the Schröder government supported the U.S. initiative with respect to the Middle East Quartet, the ability to increase

its influence in the Middle East declined with its support of France's position on Iraq due to the contradictions inherent in its Israel-supportive rhetoric and actual alignment with France's critical stance at the European level (HENSCHER, 2005). When Angela Merkel became German chancellor in 2005, she quickly moved to improve the relations between the U.S. and Germany, and this improvement has been most visible in Middle East policy, with German positions again being closely coordinated with the U.S. This also assisted in her marginally successful attempt to reengage the U.S. in the peace process during the German EU Presidency in the first half of 2007 (see BULT, 2007; MÖLLER, 2007; SPECK, 2007). Since Merkel's assumption of the chancellorship, Germany has also become militarily involved in the conflict, sending troops to the Middle East for the first time within the framework of UNIFIL II – an act accepted by Israel – adding a new aspect of German engagement in the region (GARDNER FELDMAN, 2007).

Despite the changes in German policy in the region over time, the principal features of German policy since 1993 have remained the special relationship with Israel; the search for a balance between its strong commitment towards Israel's security and its acceptance of the Palestinian right of self-determination; the recognition of the importance of other international actors in the region, particularly that of the U.S., whose active engagement Germany regards as indispensable in the search for a solution to the Arab-Israeli conflict; and the embedding of German policy within the EU framework in terms of defining and implementing policy, which allows Germany to shape and limit European policies and statements on the Arab-Israeli conflict (OVERHAUS, 2002, pp. 5-6; GARDNER FELDMAN, 2002, p. 24). Germany has made the unity of European foreign policy a priority over its national positions and bilateral relations; this has in turn considerably contributed to lifting the previous limitations to German policy in the Middle East. It was able to pursue a more balanced policy in the region and express support for the Palestinians without having to officially rescind its moral responsibility towards Israel. And for Israel the deepening of European unity was a politically legitimate and acceptable argument for German support for EU policy positions that Israeli viewed critically (WEINGARDT, 2002, p. 400). In fact, Germany has never desired to play a national role in the Middle East, preferring to integrate (and perhaps insulate) itself within the European foreign policy framework. German participation in foreign policy within this framework is often described as advocating for Israel. Although having moved away from the days of its publicly non-critical support for Israel, Germany's

historic and moral responsibilities limit its political room for maneuver and criticism of Israeli policies in comparison to other member states such as France, making Germany's support for the Jewish state "unconditional in European and national dimensions" (AMBOS & VON BEHR, 2004, p. 301). During EU negotiations, Germany tends to function as "the 'brake' in the Council" with respect to Middle East policy, ensuring that EU statements are not overly critical of Israel or that these are balanced in their criticism of the Palestinians and Israel (AMBOS & VON BEHR, 2004, p. 302). It tends to propose cautious actions, is generally not willing to compromise its original priorities, and is hesitant to accept negative action – in particular restrictive measures – against Israel. This traditional position of supporting Israel has, however, also often hindered the EU from speaking with one voice in international forums with regard to the Arab-Israeli conflict, with Germany abstaining from voting on UN resolutions that criticize or condemn Israeli settlement activities, such as in March and April 1997, as well as abstaining from voting on the resolution that condemned the Israeli separation barrier in October 2003 (see STEINBACH, 2003; ASSEBURG, 2003a; SEMPLE, 2003).

V. EUROPEAN FOREIGN POLICY TOOLS AND THE ARAB-ISRAELI CONFLICT SINCE 1993

As the EU increasingly played a larger role in the Middle East over the years, the European foreign policy toolbox utilized in pursuing EU foreign policy aims in the region also expanded during this time period. While initially relying mainly on contractual relations and financial and humanitarian aid as well as individual member state competences to implement and pursue policy with respect to the Arab-Israeli conflict, European foreign policy now utilizes a wide range of foreign policy tools in implementing policy in the Middle East. Particularly the establishment of CFSP gave European policy a new framework within which it could tackle foreign policy issues, a framework that was expanded throughout this time period with the aim of increasing the efficiency and effectiveness of European foreign policy. This new foreign policy framework also gave rise to more cross-pillar policy approaches as the economic and political realms of policy increasingly became intertwined, resulting in the use of EC instruments in foreign policy and an expansion of the European foreign policy toolbox as well. As the evolution of the European foreign policy progressed, with new tools being created to tackle new issues, European engagement in international affairs in general and in the Arab-Israeli peace process in particular grew. In fact, the expansion of the European foreign policy toolbox went hand-in-hand with its increasing role in the Middle East. As new policy tools were created, they were utilized to implement policy in the region. The following section thus examines the tools the EU uses in pursuit of its policy aims with respect to the Arab-Israeli conflict. In analyzing these tools, much attention will be given to their implementation in the context of European foreign policy towards the conflict and their effectiveness with regard to EU policy aims and objectives in order to determine if these foreign policy tools deliver the desired policy results.

1. Community Foreign Policy Tools

As demonstrated in Chapter 2 of this study, the strongest European foreign policy tools are those economic tools falling under Community competence, which, in fact, make up the majority of foreign policy tools at the EU's disposal and in policy towards the Arab-Israeli conflict. Community foreign policy tools include bilateral agreements, the offer of EU membership, financial assistance and humanitarian aid, the promotion of regional cooperation, and electoral support. All of these tools, with the exception of the

offer of EU membership, have been utilized in implementing European foreign policy towards the Arab-Israeli conflict and constitute the main dimensions of European policy towards the region. The various facets of these tools utilized in pursuit of foreign policy towards the Arab-Israeli conflict from 1993 to mid-June 2007 are therefore highlighted in the following subsections.

1.1 Agreements/ Contractual Relations with the Conflicting Parties

The EU's bilateral contractual relations with Israel and the Palestinians have been progressively updated since the mid-1960s. The EC first entered into a trade agreement with Israel in 1964; preferential trade agreements followed in 1970 and 1975. Bilateral relations between the EC and the Palestinians ensued with the 1986 regulation giving rise to a separate preferential import regime for Palestinian products (COUNCIL, 1986). Currently, EU relations with these two actors are governed by their respective Euro-Mediterranean Association Agreements. Israel's Euro-Med association agreement was signed in 1995 and has been in force since 2000; the EC-PLO Interim Association Agreement was signed and has been in force since 1997. The main components of Israel's Euro-Med association agreement are political dialogue; free trade in industrial products; the freedom of establishment; free movement of capital; the harmonization of competition rules; and economic, social, and cultural cooperation (see EURO-MEDITERRANEAN AGREEMENT, 2000).¹⁰⁷ In contrast, the Interim Association Agreement with the Palestinians focuses on trade liberalization and establishing a framework for comprehensive dialogue, but, unlike Israel's association agreement, it does not include a chapter on political dialogue (see EURO-MEDITERRANEAN INTERIM ASSOCIATION AGREEMENT, 1997).¹⁰⁸ Therefore, in comparison to the EU's ties with other non-candidate countries, "both Israel and the PA rank high on the EU's list of priorities, judging by the relationships they enjoy", especially as the presence of an association agreement signalizes a privileged partnership (TOCCI, 2007, p. 113). The statement of the Essen European Council of December 1994 reiterates the priority the EU gives to its relations with Israel, stressing that "Israel [...] should enjoy special status in its relations with the EU" (PRESIDENCY CONCLUSIONS, 1994b). With re-

¹⁰⁷ Other agreements on procurement, the liberalization of agriculture, and Israeli inclusion in EU scientific and technical cooperation as well as in Galileo (European Global Navigation Satellite System) have also been concluded.

¹⁰⁸ Political dialogue between the EU and the Palestinians was established in a joint statement issued in congruence with the signing of the Interim Agreement on February 24, 1997 (see JOINT STATEMENT, 1997).

spect to the PA and the Palestinians, although the Palestinians do not have a formal state, the EC chose to enter into an association agreement – an action normally reserved for formalizing relations with states or regional groupings of states – with the Palestinians in anticipation of future Palestinian statehood, demonstrating the priority the EU places on supporting the creation of a viable Palestinian state. Nevertheless, the PA's association with the EU is less extensive than Israel's association, and bilateral relations have focused primarily on financial and technical assistance due to Israel's non-recognition of the EU-Palestinian agreement and the trade obstacles it has implemented with respect to Palestinian international trade.¹⁰⁹

Association agreements concluded within the EMP framework are mixed agreements; thus, they are entered into by the relevant third party and the EC as well as the member states, because they draw on both EC and member state competences. In the case of the EU-Palestinian Interim Association Agreement, however, only the EC and the PLO are the only parties to the agreement, because it does not tangent member state competences. The EC and the member states have also concluded and ratified Euro-Mediterranean Association Agreements with the following EMP partners: Tunisia (in force since 1998), Morocco (2000), Jordan (2002), Egypt (2004), Algeria (2005), and Lebanon (2006). The negotiations on Syria's association agreement were concluded in October 2004 and the agreement was initialed; however, ratification of the agreement on the side of the EU has not been forthcoming and has been put on hold for the time being.¹¹⁰ Despite the fact that each agreement varies from one partner to the other according to the economic and political situation of the partner state, aspects such as political dialogue, the respect for human rights and democracy, the establishment of free trade, and cooperation in various economic sectors, in social affairs and migration, and in culture are components of all agreements.

Although “the political relevance of these agreements [in terms of foreign policy] may not be immediately obvious”, they increasingly serve a foreign policy function (TOCCI, 2005b, p. 4). In fact, this form of foreign policy aims to foster long-term structural

¹⁰⁹ For this reason, the Palestinian's contractual relations with the EC/EU will not be covered further in this section. Because EU-Palestinian relations are primarily limited to financial and technical assistance due to the obstacles in the implementation of the trade provisions of the Interim Association Agreement, EU-Palestinian relations will be covered in greater extent in section 1.3 of this chapter.

¹¹⁰ An important factor blocking the ratification of the agreement is French policy changes after the murder of former Lebanese Prime Minister Hariri, with the EU now making the result of the international inquiry into his death a decisive factor in the signing and ratification of the agreement. Other concerns included the presence of Syrian forces in Lebanon (the EU demands Syrian withdrawal), the proliferation of WMD, and human rights issues. For more on the EU-Syria Association Agreement see DOSTAL, 2008.

change in the political, economic, legal, and institutional spheres within and between third countries and is based on exerting influence through political conditionality or through indirect means such as persuasion and socialization. Thus, political conditionality is a prominent feature of the Euro-Mediterranean Association Agreements. The legal basis for exerting political conditionality lies in the ‘human rights clause’ of the agreements. This clause consists of two components: the essential elements article (Article 2) and the non-execution article (Article 79). The essential elements article establishes that human rights and democratic principles are essential elements of the agreements, whereas the non-execution article stipulates that appropriate measures that least disrupt the functioning of the agreement may be taken in the event of a material breach of the essential elements.¹¹¹ “In other words, benefit (i.e. association) is delivered on an understanding that its essential elements will be respected. Otherwise, the Union reserved the right to suspend the agreement by appealing to the non-execution article”, thus allowing for the use of negative conditionality (TOCCI, 2007, p. 116). Yet, while conditionality is a unique and prominent feature of EU contractual relations in this respect, conditionality has rarely been applied with respect to Israel and the PA, and the non-execution clause has never been implemented, despite the grave violations of human rights, democratic principles, and international law that have occurred in the throes of the Arab-Israeli/Israeli-Palestinian conflict (see also JÜNEMANN, 2000, 65-80).¹¹²

With few exceptions, the EU has never exerted a form of conditionality (positive or negative) vis-à-vis Israel. The first example of the EU exerting some type of conditionality in connection with the Euro-Med Association Agreement is the delay in its ratification by the Belgian and French parliaments. After the agreement was signed in November 1995, these institutions decided to make their ratification of the agreement dependent on substantial progress in the peace process. Due to Netanyahu’s policies and the resulting stalemate in peace talks, the ratification of the agreement was delayed until 1999, after Ehud Barak became the new Prime Minister and progress in negotiations between the Israel and the Palestinians seemed imminent. Despite creating some tensions between Israel and the EU, the delay in ratification did not hurt Israel or its com-

¹¹¹ It is interesting to note that the essential elements clause in the agreement with the Palestinians differs from that of Israel’s agreement. Whereas the Interim Agreement is “based on respect of democratic principles and fundamental human rights *as set out in the universal declaration on human rights*” (see Art. 2, EURO-MEDITERRANEAN INTERIM ASSOCIATION AGREEMENT, 1997, emphasis added), Israel’s agreement is “based on respect for human rights and democratic principles” (see Art. 2, EURO-MEDITERRANEAN AGREEMENT, 2000), a discrepancy that signals stronger language towards the Palestinians than towards Israel.

¹¹² For more on conditionality in EU-Palestinian relations see section 1.3 of this chapter.

mercial interests or preclude the implementation of the trade arrangements in the agreement, because an interim EC-Israel accord governing bilateral trade negotiations came into force until ratification of the association agreement in 2000 (INTERIM AGREEMENT, 1995). It did, however, hinder the start of institutionalized political dialogue between the EU and Israel.

Although the EU repeatedly condemned Israeli policies in declarations and classified them as human rights violations in this time period, the EU continued to deliver the benefits of the association agreement and failed to respond to Israel's blatant disregard for the provisions of the agreement. Especially after the beginning of the second intifada, the calls from human rights organizations as well as EU institutions for a suspension of the EU-Israel Association Agreement on the basis of human rights violations increased. After Israel reoccupied in the spring of 2002 parts of the Palestinian territories in the West Bank that had been handed over to the Palestinians in the Oslo Accords and in response to Israeli human rights violations such as the extrajudicial and targeted killings of alleged Palestinian terrorists, the EP passed a resolution in April 2002 calling on the Commission and the Council to suspend the association agreement with Israel (EUROPEAN PARLIAMENT, 2002). The Commission acted on this call and proposed imposing sanctions against Israel; however, the Council discarded the Commission's proposal to impose sanctions against Israel along these lines, because it could not reach a consensus (SCHÄFER, 2004, p. 52). Especially Germany and Great Britain regarded the imposition of sanctions against Israel as counterproductive, preferring dialogue with Israel in order to induce new efforts toward peace. Thus, the Council distanced itself from the idea of suspending the association agreement in order to prevent the collapse of the entire EMP (SOETENDORP, 2002, p. 293). In light of the lack of attempts to suspend the association agreement on the basis of the human rights clause, it seems that, according to TOCCI (2007), "the relevance of the human rights clause has been rather that of engaging in soft forms of pressure through political dialogue" (p. 116). This political dialogue, however, has not led to any discernable efforts by Israel to refrain from pursuing policies that the EU views as overt violations of human rights.

The best example of the EU's failure to exert conditionality and to respond to blatant violations of the EU-Israel Association Agreement can be seen in its dispute with Israel over the preferential export of Israeli goods produced in its settlements in the Occupied Territories and over the rules of origin protocol in the association agreement as well as

in the interim agreement that was in force until 2000.¹¹³ The essence of this conflict revolves around different interpretations of Israeli territory and to what territory the agreement applies (see Article 83 of the EURO-MEDITERRANEAN AGREEMENT, 2000): Israel argues that due to its de facto control of the Occupied Territories the products produced in its settlements in these territories are produced in Israel's customs territory and thus subject to preferential treatment in accordance with the provisions of the association agreement. Thus, when determining the origin of its exports, it does not distinguish between production within its borders and the Occupied Territories, contending that Israel's territorial borders have yet not been fully defined and that it will continue to include the Occupied Territories in its customs territory until the final borders have been established by a final status treaty (TOCCI, 2005b, p. 20). This stance has also impeded the implementation of the Palestinian's Interim Association Agreement with the EC, because Israel does not recognize the validity of the EC-Palestinian agreement on the grounds that the West Bank and the Gaza Strip are part of a customs union with Israel and therefore cannot be treated separately. On the other hand, the EU maintains that the territory of the State of Israel does not include the Occupied Territories, as Israel's occupation of these is illegal under international law, a stance that excludes products wholly or substantially produced in these from receiving preferential treatment (ZEMER & PARDO, 2003). Evidence of this position (i.e. that the Occupied Territories do not belong to the territory of the State of Israel) is also apparent in the Interim Association Agreement between the EC and the PLO, in which the EC recognizes the West Bank and the Gaza Strip as a uniform territorial region (Art. 73 of the EURO-MEDITERRANEAN INTERIM ASSOCIATION AGREEMENT, 1997; see also ZEMER & PARDO, 2003, p. 67). Israel's practice of determining the origin of its exports has thus resulted in the illegal preferential treatment of Israeli products produced in its settlements in the Occupied Territories, in short a material breach of the Interim EC-Israel Agreement of 1995 and of the Euro-Mediterranean Association Agreement.

After ignoring the problem for some time, the Commission began its efforts to rectify the situation in 1997 (see also EUROPEAN COMMISSION, 1998b). The first step in this process was the issuing of a notice to importers informing them that the validity of Israeli origin certificates was questionable and that they were possibly liable to duty recovery (see NOTICE TO IMPORTERS, 1997). After a mission to Israel in Septem-

¹¹³ For more detailed analyses of the customs dispute and its trade implications see ZEMER & PARDO, 2003; HIRSH, 2003; and HAUSWALDT, 2003.

ber 1998 that confirmed the Commission's suspicions with respect to Israel's lack of respect for the rule of origins provisions, the Commission proposed the suspension of preferential treatment for these Israeli exports. Netanyahu, Israeli Prime Minister at the time, threatened to end his employment policy that allowed the Palestinians to work in Israel in response to the Commission's proposal. Consequently, the Commission withdrew its proposal, although the Council and the European Parliament supported it (AOUN, 2003, pp. 302-303). In 2000, the Commission determined that the differences in the interpretation of the agreement did not constitute a material breach of the agreement and referred the issue to the Council as one that required arbitration according to the provisions of the association agreement. This Commission proposal, however, was vetoed by Germany, the Netherlands, and Great Britain, who wanted to refrain from antagonizing Israel further (TOCCI, 2005b, p. 20; STAVRIDIS, 2004, p. 302). The initial efforts towards a settlement of the customs dispute were thus halted by the Israeli refusal to cooperate as well as by the lack of support for the Commission in this matter by top European policymakers (LAGERQUIST, 2004). In fact, many EU policymakers have ignored the dispute over Israel's proofs of origin, regarding it as "an irritant, [...] which has [primarily] disturbed the EU's quest for improved political relations with Israel" (TOCCI, 2005b, p. 19).

Nevertheless, Israeli policymakers increasingly viewed this economic dispute as a political issue: Israeli Foreign Minister Shimon Peres postulated at an October 2002 EU/Israel Association Council meeting that the dispute was of little economic significance, but rather of great political importance, especially since it had negative ramifications with respect to the implementation of the trade agreement for Israel (ZEMER & PARDO, 2003, p. 52). And the spat began to gradually poison EU-Israeli political relations as well in light of the multiplying calls for the suspension of the association agreement and for embargoes on Israeli products. Moreover, increased demands and poignant questioning from the European Parliament on the Commission's lack of ability to enforce the provisions of the agreement forced the Commission to continue its efforts to resolve the dispute (see EUROPEAN PARLIAMENT PLENARY DEBATE, 2000; 2003). Furthermore, pressure from member state customs authorities as well as the breakdown of the peace process contributed to renewed efforts to settle this issue once and for all (LAGERQUIST, 2004).

In a second Notice issued in November 2001 after bilateral meetings between Israeli and the EU aimed to settle the dispute had been held, the Commission responded to the

member states' calls for political guidance on this issue and declared that the member states should deny preferences if the verification process confirmed the status of the products as originating in the Occupied Territories or if sufficient information regarding the origin of the product was not available (see NOTICE TO IMPORTERS, 2001).¹¹⁴ Because Israel continued to refuse to certify the origin of its exports to the satisfaction of European customs' agencies, some member states began to proceed with duty recovery in 2003 and 2004. Due to complaints from Israeli exporters in this regard, the Israeli trade minister at that time, Ehud Olmert, proposed a technical arrangement to ease the situation in November 2003, an arrangement that the Commission internally agreed upon in November 2004 and that has been in effect since February 2005 (see NOTICE TO IMPORTERS, 2005). This solution entails Israel naming the locality of production on the proofs of origin of Israeli exports. The Commission then provides the member state customs authorities with a list of settlement localities, therefore allowing the authorities to deny preference without verification should the localities fall beyond what the EU considers as Israeli territory (NOTICE TO IMPORTERS, 2005; TOCCI, 2007, pp. 117-119). This solution allows Israel to meet EU demands while at the same time not having to admit in an official document that products exported from the Occupied Territories are not Israeli products, an act that would concomitantly imply that the territories are not part of Israel. Thus, the customs link between the territories and Israel is maintained. On the other hand, the solution allows the EU to give de facto meaning to its non-recognition of the Occupied Territories as part of the State of Israel. Nevertheless, the solution poses a problem to EU policy as a whole: By entitling Israel to represent all localities as situated within the State of Israel and to issue proofs of origin on this basis, the preferential treatment of products originating in the Occupied Territories could be considered and interpreted as legal under the terms of the EU-Israel Association Agreement, eventually leading to the EU's de facto recognition of the scope of Israel's territory to include the Occupied Territories (TOCCI, 2007, p. 119).

This dispute has highlighted the contradictions in EU policy. On the one hand, the EU's diplomatic language has repeatedly deferred to international law that deems the Israeli settlements in the West Bank and the Gaza Strip illegal (i.e. the Fourth Geneva Convention), making its position on the status of the Occupied Territories very clear; on the other hand, the EU's actions and its acceptance of the technical arrangement pro-

¹¹⁴ Paradoxically, member state custom authorities were not entitled to recover duties if Israel provided ample information on the product's production location, even if the location was in Occupied Territories and Israel declared that it had originated in Israel (TOCCI, 2005b, p. 21).

posed by Olmert undermines the EU's stance on the illegality of the Israeli occupation of the West Bank (and before August 2005 the Gaza Strip) by in effect quietly supporting Israeli claims over the Occupied Territories by allowing Israel to classify these as part of Israel. Consequently, the EU has to all intents and purposes accommodated Israeli policy and has distorted its own long-held policy vis-à-vis the status of the Occupied Territories. By failing to timely respond to the Israeli violations of the proofs of origin provisions of the association agreement as well as its lack of response to Israeli human rights violations that constitute a material breach of the essential elements clause, the Commission has put itself in contravention of its obligations under EC law.

The reasons the EU has failed to make use of conditionality in its relations with Israel and to adequately respond to violations of the association agreement are numerous. During the Oslo peace process, the EU refrained from criticism of and pressure on Israel (as well as on the Palestinians) to respect international law. In order to ensure Israeli cooperation in the peace process, the international community quietly accepted Israel's right to a different interpretation and application of international law, and the EU duly followed suit. The Commission has defined its policy towards Israel as one of constructive engagement, i.e. of partnership and cooperation, not exclusion, and has maintained that suspending the basis for EU-Israeli trade relations as well as the basis for EU-Israeli political dialogue would cut all ties to Israel, effectually removing any form of EU influence on Israel and eradicating any hope of an increased EU role in the Arab-Israeli peace process and negotiations (EUROPEAN COMMISSION, 2002). Maintaining the lines of communication so that it can continue to voice its concerns to Israel is therefore the EU's preferred strategy. It is also argued that exerting positive and negative conditionality in the EU's relations with Israel is of little influence due to the fact that Israel would never accept conditions it considered as contradictory to its national interests: As TOCCI (2005b) remarks, "if Israel were faced with the choice of deepening its ties with the Union or persisting in its policies towards the OTs, it would certainly choose the latter" (p. 22). Furthermore, the EU has already delivered, particularly in the area of trade, its most valuable carrots to Israel, e.g. reciprocal tariff-free exports in industrial goods, tariff concessions in agricultural goods, and the prospect of a free trade area, benefits that are very important to Israel due to the fact that the EU is its largest trading partner. This begs the question of what else the EU can use or do to entice Israel to changes in its policies.

An additional factor influencing the EU's use of conditionality or lack thereof on Israel is Israeli strategy towards the EU. Israel has continually criticized Europe as being anti-Israeli and anti-Semitic when the EU condemns Israeli policies, criticism that does not resonate well with some EU member states and occasionally forces the EU to tone down its statements or restrain its scope of action. Israel has also tended to separate the political and economic spheres of its relationship with the EU, arguing that the Arab-Israeli conflict should not contaminate EU-Israeli relations in general. But, most of all, Israel is key to European security interests, the priority in this respect being the stability of the Middle East. Because European leaders regard the resolution of the Arab-Israeli conflict as a primary ingredient in achieving stability at its periphery, they must engage with Israel as a party to the conflict if they are to influence the direction of the conflict and the settlement in their interests, giving Israel in turn "significant relative leverage on Europe" and thus constraining the EU's leverage on Israel with respect to conditionality (TOCCI, 2005b, p. 24). As such, although conditionality vis-à-vis Israel is enshrined in the EU-Israel association agreement, the EU refrains from utilizing this in order to maintain contact with Israel and to secure a role for itself in peace negotiations.

1.2 The Offer of EU Membership

Unlike other conflicts in which the EU plays a third party role, none of the immediate parties to the Arab-Israeli conflict (i.e. Israel, the future Palestinian state, Syria, or Lebanon) are perceived as being future members of the EU; thus, the offer of EU membership does not apply to these states and cannot be used to entice economic, political, and social reforms in these societies. Nevertheless, the ENP – the EU's attempt to enlarge the European zone of peace and stability by way of investing in stability and cooperation around its borders – includes these states and offers to upgrade bilateral relations between the EU and those neighbors that are politically and economically most advanced and/or visibly committed to undertaking serious political and economic reforms, thus attempting to extend the EU's transformational diplomacy of its enlargement policy "without the incentive of a perspective of future membership" (DANNREUTHER, 2006, p. 185). In this context, the ENP is "explicitly based on the principle of *positive conditionality*", meaning that only those states that share the EU's values or commit to reforms will gain from the ENP (DEL SARTO & SCHUMACHER, 2005, p. 22, emphasis in original). The other innovation of the ENP is the shift from dealing with these

countries within the multilateral context of the EMP to a more bilateral and differentiated approach, an approach that corresponds with the preference of its Mediterranean partners, especially with Israel, who did not appreciate being lumped together with rivals and/or foes. This also allows the Mediterranean partners who implement reforms to receive benefits quicker than under the EMP, in which the receipt of benefits, the most important of being the creation of a Euro-Mediterranean Free Trade Zone, depended on regional progress.

This new approach also presents the EU with “a far greater opportunity of exerting its political and (already strong) economic influence in the neighbourhood” (DEL SARTO & SCHUMACHER, 2005, p. 28). The introduction of Action Plans based on differentiation, the core of the ENP were touted as “allow[ing] for more careful use of political conditionality” (BALFOUR & ROTTA, 2005, p. 10). The Action Plans, separately negotiated with each partner country, are based on common principles and organized with a common framework, containing a general introduction setting out the EU offer and sections specifying action in the following areas: political dialogue and reform; economic and social cooperation and development; trade, market, and regulatory reform; cooperation in justice and home affairs; cooperation and reform in sectors such as transport, energy, information society, environment, research, and development; and ‘people-to-people’ areas such as civil society, education, and public health (see EUROPEAN COMMISSION, 2008). As a reward for progress on the reforms outlined in the Action Plans, the EU offers greater integration into European programs and networks, increased assistance, and enhanced market access. Because the plans are the product of negotiations with the partner countries, each is unique and therefore not “an abstract one-size-fits-all shopping list of reform priorities”, but rather tailor-made for each partner country, taking the needs and capacities of the partner for reform into consideration and thereby strengthening the sense of ownership of the document in the partner country (BALFOUR & ROTTA, 2005, p. 11; see also DANNREUTHER, 2006, pp. 191-192). The fact that the partner country does not feel that the EU is dictating reforms through one-sided documents may also promote the partner’s willingness to implement the reforms specified in the Action Plan.

All of the immediate parties of the Arab-Israeli conflict with the exception of Syria have concluded ENP Action Plans (because Syria’s AA is not yet ratified, the ENP does apply): Israel and the Palestinian Authority in 2005 and Lebanon in 2007. The purpose of the Action Plan with the PA is to promote the PA’s political and economic reform

through the delivery of conditional EU benefits. New partnership perspectives (i.e. what the EU has to offer) with the PA outlined in the Action Plan included “moving beyond cooperation to a significant degree of integration [...] and the possibility [...] to participate progressively in key aspects of EU policies and programmes”; enhanced political cooperation; opening markets and deepening trade and economic relations; more targeted financial support; increased participation in Community programs in the cultural, education, environmental, technical, and scientific fields; and increased technical assistance (EU/ PA ACTION PLAN, 2005, p. 2). Of all ENP partners, the Palestinians remain, however, furthest away in terms of EU integration, mostly because the limited provisions for preferential trade remain largely unimplemented because Israel does not recognize the Euro-Mediterranean Interim Association Agreement and implements obstacles to Palestinian international trade (TOCCI, 2007, pp. 113-114). Thus, to what extent the EU can really offer benefits to the Palestinians through the ENP remains under question and can be hindered by Israeli policies.

With respect to the reform agenda, the EU/PA Action Plan supports reforms in the areas of democracy and good governance, economic development, and trade. Specific measures include the establishment of an independent, impartial, and fully functioning judiciary and the separation of powers; the organization of transparent elections; the strengthening of legal guarantees for freedom of speech, freedom of the press, freedom of assembly; ensuring the respect of human rights and basic civil liberties; fostering a culture of non-violence, tolerance, and mutual understanding; the continuation of efforts to establish a financial control system and to improve the transparency of PA finances by completing the implementation of the Palestinian reform program on budgetary and fiscal transparency; improving the conditions for a market economy, developing trade relations between the EC and the PA; strengthening regional cooperation, etc. (see EU/ PA ACTION PLAN, 2005). Since the conclusion of this Action Plan in May 2005, some “encouraging steps towards reform” and objectives have been achieved, particularly in the area of public financial management: Among other reforms a single treasury account was created, modern internal audit and control facilities were developed within the Ministry of Finance, and a modern integrated tax, VAT, and customs system was established (COMMISSION STAFF WORKING DOCUMENT, 2006b, p. 2). Despite the progress in reforms accrued in 2005, after the Hamas victory in January 2006 the ENP process was frozen, because the EU suspended political contacts and cooperation with the Hamas-led PA. Due to the humanitarian crisis stemming from the situation in

the Palestinian territories, the EU's short-term agenda and dialogue with President Abbas were dominated by the need to focus on immediate humanitarian and other welfare needs, not allowing much room to focus on political and economic reforms.¹¹⁵ With respect to the use of conditionality during the time when the ENP was active, the EU shied away from political conditionality in practice (TOCCI, 2007).

Israel's ENP action plan, on the other hand, reflects Israel's advanced status in comparison to its neighbors in that much of it does not focus on reforms but on areas in which cooperation between Israel and the EU should be evaluated, examined, and entered into. Israel excitedly welcomed the creation of the ENP and implementation of the Action Plan, which aims to fulfill the promise of special bilateral ties between the EU and Israel as specified by the European Council in Essen in 1994 (see *PRESIDENCY CONCLUSIONS*, 1994b), as bringing the relationship to "new heights" and strengthening the "platform for dialogue and cooperation" (DROR & PARDO, 2006, p. 23). The ENP provides Israel with the scope for greater socio-economic integration into the EU in areas such as the free movement of labor and goods and services as well as participation in EU networks, programs, and agencies, opportunities Israel has strived for for quite some time. Above all, Israel hails the political advantage of the ENP's bilateral differentiation as going "beyond the [...] straitjacket of the multilateral Barcelona Process" and applauds the refocus of relations to the bilateral level (TOCCI, 2005a, p. 31). In particular, it feels that the gap between the potential economic and trade value of its Euro-Mediterranean Association Agreement and its actual value can be closed with the ENP, eventually elevating Israel's relations with the EU to a privileged partnership (HARPAZ, 2008, p. 127). In fact, ENP was perceived by Israel as offering it the "perspective of becoming a 'nearly European' country without renouncing any element of sovereignty" (DEL SARTO, 2007, p. 68).

The Israeli ENP Action Plan, therefore, specifies a long list of new partnership perspectives (i.e. benefits) identical to those outlined in the PA's Action Plan upon progress in the implementation of the actions contained in the plan, the priorities here being enhanced political dialogue, economic and social cooperation, and trade and internal market integration as well as cooperation in JHA and in transport, energy, environment, information society, research and civil society (see *EU/ ISRAEL ACTION PLAN*, 2005, p. 3). In the first progress report issued on the implementation of the EU/ Israel Action Plan, the EU noted that the process of implementation "has begun to help better

¹¹⁵ The EU resumed the ENP process with Abbas's government in the West Bank in June 2007 (see COMMISSION STAFF WORKING DOCUMENT, 2008b).

define the path and framework of the EU-Israel relations while enabling to deepen and strengthen the cooperation” (COMMISSION STAFF WORKING DOCUMENT, 2006a, p. 2). The progress report observed that cooperation has increased and developed further in particular in the areas of political dialogue, promoting trade and investment, justice and security, science and technology, and higher education. Overall, since the conclusion of the Action Plan, “the ENP has clearly enhanced the pace of cooperation between the EU and Israel”, and the progress in the implementation of the plan has made Israel “the front-runner in making use of the new possibilities for ENP partner countries’ participation in Community programmes” (COMMISSION STAFF WORKING DOCUMENT, 2008a, p. 2).¹¹⁶

Whereas the Action Plan contains exhaustive and detailed provisions on EU-Israel economic relations and cooperation possibilities, the language outlining political cooperation is vague and imprecise (TOCCI, 2007; DEL SARTO, 2007). Although several issues are covered in the sections on political cooperation, such as the fight against terrorism, human rights, the non-proliferation of WMD, combating anti-Semitism and racism, and Middle East politics, in an attempt to upgrade “the scope and intensity of political cooperation” (EU/ ISRAEL ACTION PLAN, 2005, p. 2), DEL SARTO (2007) raises “serious doubts on whether both sides actually agreed on the same issues” given the traditional differences between the EU and Israel on the principles of political cooperation (p. 60). Elusive and ambiguous formulations on topics of EU priority and central political issues are prevalent within the provisions outlining the actions in the realm of political dialogue and cooperation: For example, while stressing their mutual commitment to shared values such as democracy, rule of law and respect for human rights and international humanitarian law, the Action Plan indicates that the EU and Israel will merely “*explore the possibility* to join the optional protocols related to international conventions on human rights”, leaving the impression that there is not much commitment and overall quite baffling considering the EU’s (and the international community’s) repeated condemnation of Israeli human rights violations in the Occupied Territories (EU-ISRAEL ACTION PLAN, 2005, p. 4, emphasis added). With respect to cooperation within CFSP and ESDP and on crisis management, the Action Plan specifies

¹¹⁶ In newer developments, in October 2007 Israel agreed to start bilateral negotiations on a Free Trade Agreement on the liberalization of services and establishment in early 2008, and at the EU-Israel Association Council in June 2008, the EU and Israel upgraded relations by increasing diplomatic cooperation, allowing Israeli participation in European plans and agencies, and by examining the possibility of Israel’s integration into the European single market (see COMMISSION STAFF WORKING DOCUMENT, 2008a; EUROPEAN UNION, 2008; ISRAEL MINISTRY OF FOREIGN AFFAIRS, 2008).

that “dialogue and cooperation *should be* enhanced [...] and *should* include” issues such as regional security, the fight against terrorism, non-proliferation, etc., a formulation that does not formally commit Israel and the EU to actual dialogue and cooperation (p. 5, emphasis added). Furthermore, the partners agreed “to identify areas for further co-operation” with respect to the situation in the Middle East, such as working together to achieve a comprehensive, permanent two-state solution in accordance with the Roadmap, supporting PA efforts to dismantle terrorist capabilities, adherence to international law, access to and coordination of humanitarian and other forms of assistance, etc., thus not really agreeing on actual cooperation in these areas (p. 6). Interestingly enough, the Action Plan also seems to scold the EU with respect to the rumored EU contacts to Hamas by highlighting the agreement between Israel and the EU to “encourage effective implementation, at all levels, of EU decisions to act against those included on the EU list of terrorist organizations” (p. 7). Because these issues are key controversies within the EU-Israel relationship, it is not surprising that the language of the Action Plan is ambiguous and permits for different interpretations. DEL SARTO argues that the elusiveness of the political provisions of the Action Plan was “the price for reaching an agreement” in light of the differences between the EU and Israel on contentious policy issues such as the fight against terrorism, security, peace process, WMD (DEL SARTO, 2007, p. 70).

There has also been much criticism of the document with regard to its vagueness on the political commitment it demands from Israel in return for its participation in the EU’s internal market. Conditionality is somewhat open-ended with respect to political dialogue, and mixed signals on the applicability of conditionality to Israel were sent from the start. Reportedly, EU officials had in 2003 apparently conveyed to Israel that the future of EU-Israeli relations were no longer dependent on progress in the peace process (DEL SARTO, 2007, p. 68). Furthermore, Enlargement Commissioner Verheugen had implied to Israel that the policy of EU demands in exchange for incentives was not pertinent to Israel, whereas other EU officials such as the former EU ambassador to Israel, who stressed that progress in the implementation of the Roadmap would facilitate the upgrading of bilateral relations, and SG/HR Javier Solana, who maintained that the ENP would be linked to the Middle East peace process and function as a carrot, were clearly for the use of (positive) conditionality vis-à-vis Israel. That the latter strategy was followed is seen in the negotiations on the ENP Action Plan, with the EU insisting on written Israeli commitments to a European role in Middle East peace-making

in return for economic concessions as well as Israel's written acceptance of the principles guiding peace-making in the Middle East, these being the Roadmap, the two-state solution, and the non-proliferation of WMD. The extent to which achieving such Israeli commitments was not fully accomplished is visible in the Action Plan, but the mere mention of these aspects is evidence of the EU gradually beginning to apply the principle of positive conditionality to Israel (DEL SARTO, 2007, p. 69). Nevertheless, in this respect the ENP can still be considered as problematic: As TOCCI (2005a) argues "the non-conditional extension of additional benefits to a country the EU harshly condemns in declaratory policy is paradoxical to say the least", especially when this country does not fulfill its commitments in the Roadmap and vis-à-vis the Palestinians, in effect violating international law (p. 31).¹¹⁷

1.3 Financial Assistance and Humanitarian Aid

Since the beginning of the Oslo peace process, the financial and economic support of the parties to the Arab-Israeli conflict has been at the center of European policy. After the signing of the DOP, Europe emerged as the largest donor of non-military financial assistance for the peace process by contributing over 50 percent of the international support for the Palestinians. Between 1994 and 2007, the EU committed approximately € 3.3 billion in assistance to the Palestinians, not including the member states bilateral commitments. Aid to the Palestinians – a practice that began as early as 1971, when the EC contributed to the UNRWA budget for the first time – has thus emerged as the central focus of European financial support to the peace process, and the EU's bilateral ties with the Palestinians are primarily in the form of financial and technical assistance. The high Palestinian dependence on European financial support also raises the prospects for EU influence through conditionality.

The EU approach to its financial assistance for the Palestinians is based on various premises: On the one hand, the EU believed that by producing tangible results for Palestinians through economic development and improvements in living standards, higher incomes, and infrastructure would convince the Palestinians of the benefits of peace and therefore create a positive environment for its continuation. On the other hand, the EU was of the opinion that a viable, democratic, peaceful, and sovereign Palestinian state

¹¹⁷ With respect to the developments of June 2008, in which the EU and Israel upgraded bilateral ties, this is especially problematic. Especially the Palestinians as well as Egypt and other Arab governments were wary of this step and stressed that no such move should be made as long as Israel continues its settlement activities in the West Bank (PHILLIPS, 2008).

would be the best guarantee for Israel's security, making the creation of such a state a long-term objective of EU assistance. Lastly, the EU hoped that the animosity between the Israelis and the Palestinians could be reduced through common projects on the level of civil society (ASSEBURG, 2003a, p. 8). Thus, it was assumed that financial aid would bolster the political process and sustain the search for a permanent settlement, and the EU focused its financial support on the creation of necessary conditions for economic development in the Palestinian territories, the establishment of democratic and efficient Palestinian institutions of government, and projects directed towards civil society cooperation between Israelis and Palestinians (ASSEBURG, 2003a, p. 9). The following chapter therefore examines the EU's financial assistance to the Palestinians as a tool of European foreign policy utilized to foster Palestinian economic development and the creation of state-like structures in order to buttress the political efforts in the search for peace.

1.3.1 Post-Oslo Financial Assistance

EU financial assistance to the Palestinians after the signing of the DOP until the onset of the Second Intifada in late 2000 focused on financing the recurring costs of Palestinian institutions, setting up institutions in the educational, health and private sector, fostering agricultural development, and covering the running costs of the PA, Palestinian ministries and the police force, and totaled some € 1 billion (see Table 6, p. 207). The basis for EU aid to the Palestinians was established shortly after the first donors' conference on October 1, 1993, in Washington, D.C., at which the international community promised more than two billion dollars of support for the Palestinian territories and the EU committed approximately € 250 million in financial assistance for the period of 1994 to 1998 (a sum that was increased to more than € 400 million by 1998). In order to meet its obligations with respect to the Donors' Conference, the EU established a program for financial and technical cooperation with the Occupied Territories in July 1994 with the aim of "foster[ing] sustainable economic and social development" in the West Bank and the Gaza Strip (COUNCIL, 1994b). Encompassing the EC and CFSP, this program was financed from the Community budget (budget line B7-4200: Community operations connected with the Israeli-PLO peace agreement) in the form of grants and included humanitarian aid as well as financial and technical cooperation. The Council specified the priority areas for projects implemented under this program to be in infrastructure, production, urban and rural development, education, health, the envi-

ronment, services, foreign trade, and institutions of government and public administration. This program was extended in 1998 for the time period from 1999 to 2003 – for which the EU promised a further € 400 million at the 1998 Donor Conference for the Support of Peace and Development in the Middle East – and expanded its scope to include aid for “investment projects, feasibility studies, technical assistance and training, and for temporary support for the recurrent costs of the Palestinian public administration” (COUNCIL, 1998b).

The other main source of financial assistance that provided support for the peace process during this time period was MEDA (EC budget line B7-4100) (DIETL, 2005, p. 78).¹¹⁸ As the main instrument of the EMP from 1996 through 2006, MEDA supported the reform of economic and social structures within the EMP framework mostly through grants. Projects supported under MEDA focused on “economic transition, sustainable economic and social development and regional and cross-border cooperation”, and financial assistance for such projects was to be conditional upon the respect for democratic principles, the rule of law, human rights, and fundamental freedoms (COUNCIL, 1996e). Financial aid was allocated through bilateral programs supporting structural adjustment, economic infrastructure projects, or private sector development activities and regional MEDA programs that aimed to support cooperation between neighboring states by creating infrastructure for regional trade and promoting exchanges between actors in civil society.¹¹⁹

In addition to the member states’ bilateral assistance programs and EIB loans financing environmental, infrastructure, energy, and private sector projects, the third main strand of EU support for Palestinian society was the EC contributions to UNRWA, the UN’s relief agency for Palestinian refugees (budget line B7-4210). Other commitments were available under numerous budget headings in the external actions subsections of the EC budget (B7 and B8) such as food aid, humanitarian aid from ECHO, help to refugees, measures to support NGOs, environment, aid for population policies and programs, rehabilitation, human rights and democracy, prevention of conflicts, and support for peace processes (COURT OF AUDITORS, 2000). Furthermore, the EC covered the operative costs of the Council’s joint actions in the region by, for example, financing the support and observation of Palestinian elections, the establishment of a Palestinian

¹¹⁸ The original MEDA regulation was amended in 2000 and extended until 2006 (see COUNCIL, 2000c). In 2007, MEDA was repealed and replaced by the ENPI (see EUROPEAN PARLIAMENT & COUNCIL, 2006a).

¹¹⁹ For an insightful analysis of MEDA see HOLDEN, 2003.

police force, the implementation of the special envoy's projects and forums, and support of counter-terrorism activities (DIETL, 2005, p. 78).

Table 6 European Community Assistance to the Palestinians and the Peace Process since Oslo, including the MEDA Programme (excluding bilateral Member State assistance), 1994-2000

<i>in € million on a commitment basis</i>								
<i>Estimated breakdown by category of expenditure</i>	<i>1994</i>	<i>1995</i>	<i>1996</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>TOTAL</i>
Humanitarian Aid – ECHO Interventions Emergency food aid, post-injury rehabilitation, psycho-social supporter, water, electricity, non-food humanitarian items, shelter	5.0	5.35	9.0	6.65	6.69	6.75	18.2	57.64
Development assistance to PA + Palestinian NGOS Infrastructure, health, environment, technical assistance, judiciary, human rights, food security, NGO co-financing, private sector, risk capital and interest subsidies for EIB operation	74.08	68.76	50.3	45.92	61.68	57.3	32.05	390.09
Support to Palestinian Administration to help meet urgent current expenses (including budgetary assistance as of 2000/2001 – subject to conditions on budgetary austerity, administrative and financial reform)	10.0	25.0	20.0	25.0	0	0	90.0	170.0
Middle East Peace Projects/ People to People programme Israel/Arab/Palestinian co-operation on government and civil society level	0	11.3	0	15.0	5.1	21.73	22.9	76.03
CFSP Counter-Terrorism Programme CFSP budget, training of PA security services by Member State agencies	0	0	0	7.2	0	0	6.19	13.39
Assistance Grants Total	89.08	110.41	79.53	99.77	73.47	85.78	169.34	707.38
EC support to refugees through UNRWA Contribution to UNRWA's general fund	31.8	32.9	34.2	35.3	38.5	38.3	40.24	251.24
Food Aid programme with UNRWA Food assistance through Relief & social services, Health and Education programmes, cash assistance to Special Hardship Cases	15.0	8.2	12.0	11.91	12.2	13.0	16.06	88.37
UNRWA total	46.8	41.1	46.2	47.21	50.7	51.3	56.3	339.61
Grants total	135.88	151.51	125.73	146.98	124.17	137.08	224.64	1045.99

Source: adapted from COMMISSION, 2003b.

Although EU funds were initially directed at financing development and institution-building activities, as specified in its 1994 program for financial and technical cooperation with the Occupied Territories, the EU and the other international donors were forced to redirect much of their aid due to the economic and budgetary crises in the West Bank and Gaza Strip in the mid-1990s in order to alleviate the social impact of the economic turndown resulting from Netanyahu's closure policies and to support the nascent PA. This shift in assistance priorities, according to LE MORE (2003), "occurred as early as 1994-1995 rather than being the product of the intifada as is commonly assumed" (p. 992). The PA's first large-scale budgetary crisis occurred in 1997 after Israel began to withhold revenue transfers for the Palestinians and caused the donors to reallocate most of their planned levels of investment in infrastructure projects to financing the PA and its recurring costs. This kind of budgetary support to the PA and other key Palestinian ministries – some € 80 million from 1994 to 1997 – was crucial for the financial survival (as well as the initial establishment) of Palestinian institutions of self-government in the first years after Oslo. Beginning in 1998, the PA was – for the most part – able to cover its budget through taxes, duties, and the monetary transfers from Israel under the terms of the Paris Economic Protocol of 1994¹²⁰, thus reducing the PA's dependence on donor support (ASSEBURG, 2003a, p. 10). Once the economic situation and financial state of the PA had stabilized in the late 1990s, the international donors, including the EU, were finally able to focus on financing economic development and institution-building projects (LE MORE, 2003, p. 991).

The majority of European financial support with respect to enhancing the Palestinian standard of living was directed at the betterment of the Palestinian infrastructure in order to create the necessary conditions for economic development. A substantial amount of funding went to financing projects in the education sector – higher education alone received approximately € 53 million – and in the health sector to hospital construction and the advancement of health services (DIETL, 2005, p. 79). The largest project in the health sector was the construction and furnishing of the European Gaza Hospital, for which over € 22 million was disbursed. The support for infrastructure projects such as streets, waste and sewage disposal, water wells and pipes, administration buildings, and

¹²⁰ This agreement, annexed to the 1994 Agreement on the Gaza Strip and Jericho Area, governs the economic relationship between the Israel and the Palestinian Authority and includes issues such as import/export, monetary policy, taxation, and the Palestinian workforce employed in Israel. The protocol specifically provided for the transfer of 75 percent of the revenues from income tax collected from Palestinians employed in Israel and 100 percent of the income taxes collected from Palestinians employed in the settlements (see PROTOCOL ON ECONOMIC RELATIONS, 1994, Art. 5).

the port and airport in Gaza was another important area of EC funding. According to the EuropeAid Evaluation Unit, some 40 percent of EU assistance from 1994 to 1998 was spent for these and other construction and infrastructure projects (ASSEBURG, 2003a, p. 9). Table 7 below showcases several of these EC-funded projects.

Table 7 Various EC-funded Projects in Construction and Infrastructure in the West Bank and Gaza Strip, 1993-1999 (in €)

<i>Health Sector</i>	
Completion of the construction of the European Gaza Hospital	7,500,000
The completion of the construction of the European Gaza Hospital	4,000,000
European Gaza Hospital – final equipment	5,200,000
<i>Education Sector</i>	
Support for running costs of the Palestinian universities and community colleges	15,000,000
Support for running costs of Palestinian primary and secondary schools	10,000,000
Construction and equipping of basic and secondary schools	14,000,000
School construction (phase II)	6,000,000
Upgrading of university libraries, workshops and laboratories	3,670,000
<i>Private Sector</i>	
Private sector development – Business cent.	6,000,000
Palestinian Development Fund	12,000,000
<i>Infrastructure</i>	
Sanitation and drainage in Rafah	15,000,000
Housing programme in the West Bank & Gaza Strip	10,000,000
Construction and equipping of cargo terminal at Gaza International Airport	25,000,000
Technical assistance	21,800,000

Source: compiled from COMMISSION TECHNICAL ASSISTANCE OFFICE, 2004.

In addition to its efforts to foster economic development in the West Bank and the Gaza Strip and to enhance the Palestinian's quality of life, the EU focused its financial assistance on the establishment of financially independent, democratic, and viable government institutions in the autonomous Palestinian areas. As mentioned previously, a substantial amount of EU aid with respect to Palestinian state- and institution-building was the direct support for the PA's operating budget. Initially, the majority of EU funding channeled to the PA executive and the Negotiations Support Unit was without conditions or benchmarks directed towards improving Palestinian financial transparency and accountability; the EU began to impose conditions regarding macroeconomic policy and fiscal reform beginning in the mid-1990s, but not on aspects of democratic quality or good governance (YOUNGS, 2006, pp. 146-147). Furthermore, material support and technical assistance for Palestinian state- and institution building activities encompassed a large part of European assistance. The EU supported the establishment of Palestinian government institutions and key ministries, in particular the Palestinian Legislative

Council, the police force, the statistical office, the Palestinian Broadcasting Company, and local government (see Table 8 below). EU electoral support for and observation of the first Palestinian elections was also viewed from the European standpoint as an important step in fostering and legitimizing the establishment of democratic institutions in Palestinian society. Over time, the EU directed its financial support for the peace process increasingly towards the development of institutional and human capacity to strengthen the democratic system and pluralistic society by supporting NGOs in the educational, health, and social sectors as well as in human rights – the EU supported latter such projects within the MEDA framework (DIETL, 2005, p. 80).

*Table 8 Various EC-funded Institution-Building Projects
in the West Bank und Gaza Strip, 1993-1999 (in €)*

Establishment of the Palestinian Centre for Microprojects Development	1,500,000
PA Police – salaries and equipment	10,000,000
Development of demographic indicators	1,400,000
Preparation for elections	100,000
Assistance to various PA ministries	2,500,000
Support for final preparation of Palestinian elections	2,000,000
Assistance to the Palestinian Legislative Council	3,000,000
PA budget support	20,000,000
Upgrade of Ramallah radio station	1,500,000
EUSAO – EU Special Advisor's Office	3,600,000
Palestinian Authority Tax Admin. Comp System	5,000,000
Ecole Biblique	1,000,000
Capacity Building for the Palestinian Statistical System	2,000,000

Source: compiled from COMMISSION TECHNICAL ASSISTANCE OFFICE, 2004

Despite having provided a substantial amount of financial support for the peace process and the Palestinians, European efforts to spur on the economic development in the areas of Palestinian autonomy and to improve the living conditions in these did not bear fruit (see EUROPEAN COMMISSION, 1998a). Overall, the economic situation of the Palestinians did not get better after the signing of the DOP and the increased financial support accorded to the Palestinians from the EU and other states. Although donor assistance was able to prevent a dramatic economic decline, it could not counter-balance the economic losses: Between 1992 and 1996 the per capita income in the autonomous Palestinian areas decreased about 35 percent – well below pre-Oslo levels – and unemployment increased by 30 percent. The Palestinian's economic dependency on Israel, especially with respect to employment and trade, did not decrease as envisaged, private investment did not increase, and what public investment there was went

into unproductive areas, predominantly to employment in the public sector (ASSEBURG, 2003a, p. 9; ASSEBURG, 2003b, pp. 12-13). The economic decline and crises experienced during this time period are primarily attributed to the severe movement restrictions introduced by Netanyahu's closure policy, reducing the flow of Palestinian workers to Israel and causing increased unemployment, hindering trade (Palestinian imports and exports are inspected by the Israeli authorities and can be blocked), increasing costs, and slowing down the implementation of development projects. According to ASSEBURG (2003b), the economic losses resulting from the closures "have by far outweighed the international donor's disbursements to the Palestinian areas" (p. 15). In fact, YOUNGS (2006) argues that the EU "could have had a really significant impact" with regard to the Palestinian's economic decline by effectively "ensur[ing] that Palestinian producers could actually export to the European market and circumvent obstacles imposed by Israel" (p. 148). But nothing in this respect was initiated, and there was no critical response to Israel's closure policy. Furthermore, the fragmentation of the Palestinian territories caused by continued Israeli settlement and the construction of by-pass roads made the circulation of people and goods complicated and at times nearly impossible. Despite a period of reduced closures in 1997 and the stabilization of the economic crisis in the late 1990s that resulted in some economic progress, "Palestinian living conditions [...] consistently remained well below what they had been prior to 1993", a circumstance that did not contribute to a reversal of Palestinian attitudes towards the benefits of peace with Israel (LE MORE, 2003, p. 984).

The results of the Palestinian state- and institution-building during this period also did not meet the initial aims of the EU in establishing a financially independent, democratic, and viable Palestinian self-government. Although a comprehensive system of government with ministries, a legislative council, courts, and a security apparatus was established during this time period, it cannot be characterized as democratic, legitimate, and efficient. Patronage and authoritarian traits as well as a large, inefficient public sector and human rights violations pervaded the ruling system. Moreover, it lacked transparency, accountability, rule of law, and the influence of elected representatives as well as checks and balances and the effective separation of powers. This combination of factors as well as the PA's inability to secure Palestinian independence resulted in increasing mistrust in and skepticism towards the PA amongst Palestinians (ASSEBURG, 2002; ASSEBURG, 2003a). Because the international donors feared that the deteriorating economic conditions in the Palestinian territories would lead to the political radicaliza-

tion of Palestinian society and in consequence would derail the peace process, they turned a blind eye to Arafat's authoritarian ruling style. Few objections were raised in response to Arafat's failure to implement the Basic Law that was passed by the Palestinian Legislative Council in 1997 or his numerous postponements of local elections. In fact, the political function of aid to the Palestinian territories, i.e. support for the peace process, explains the lack of international support for the development of rule of law in the Palestinian territories and the establishment of a democratic, transparent, and accountable PA: Preoccupied with "establishing a strong power structure around Chairman Arafat capable of delivering security and a peace deal", the international donors, including the EU, encouraged (or ignored) Arafat's repressive authoritarian and neo-patrimonial practices as long as he acted against the forces opposed to the peace process (LE MORE, 2003, p. 992). For its part, the EU directed its financial support for Palestinian institution-building to technical and material elements and details instead of substance. Although it increasingly insisted on financial transparency and accountability in using EU aid, the EU was less forceful with regard to practices of good governance, democratic decision-making, and rule of law. Because the EU had a hand in the establishment of the Palestinian governing institutions, it "clearly has to share the responsibility for the short-comings in Palestinian institution-building" and for the lack of rule of law and democracy as well as the PA's human rights violations (ASSEBURG, 2003b, p. 19). Even after an evaluation¹²¹ of Palestinian institution-building in 1999 had determined that no effective public institutions had been established during the interim period and that the main problems in institution-building were of political nature, the EU did not change its strategy or exert any more pressure on the PA to initiate reforms in the area of good governance, democratic principles, and rule of law; it instead remained focused on preventing the collapse of the peace process (ASSEBURG, 2003a, p. 15).

The implementation of EU support for the peace process and Palestinian society was consequently hindered by the weakness of Palestinian institutions, a factor that resulted in the financial waste and mismanagement of donor assistance (COURT OF AUDITORS, 2000). The facts on the grounds, i.e. the lack of Palestinian territorial contigui-

¹²¹ The Rocard-Siegmán Report, an independent task force sponsored by the Council of Foreign Relations and led by former French Prime Minister Michel Rocard, heavily criticized the extent of Arafat's power and the PA's shortcomings. In doing so, it made many recommendations for the reform of Palestinian institutions such as the adoption of a formal constitution, a leaner office of the presidency, a leaner public administration, a civilian-controlled police force under the oversight of the Legislative Council, a more independent judicial system, a more effective Legislative council, and more transparent, accountable, and unified financial operations (see COUNCIL OF FOREIGN RELATIONS, 1999).

ty, Israeli closure policy, and the deteriorating political situation with respect to the peace process, also contributed to the difficulties in effectively implementing Community assistance programs. Overall, an evaluation of the Commission's management of the financial assistance programs to the Palestinians credits the EU's financial support to have created "positive results" in supporting the peace process through the funding of the PA and in the Palestinian's economic and social development through sponsoring education and infrastructure projects (COURT OF AUDITORS, 2000). Yet, it also concluded that "the impact of the programme [was] reduced by structural weaknesses in the Commission's programming and management procedures and systems", a circumstance that contributed to a slow down in project implementation and a reduction in disbursements.¹²² For example, only about 50 percent of EU commitments were actually paid to the PA and to projects supporting the peace process between 1995 and 1999 (ASSEBURG, 2001, p. 266), and ten projects with commitments totaling € 49.5 million had received no payments by the end of 1999 (COURT OF AUDITORS, 2000).

Furthermore, the fact that EU financial assistance in support of the peace process and the Palestinians is made up of numerous components that are funded through different Community budget lines (about 14!) and resulted in a number of responsibilities, officials, and decision-making processes, fuelling competition and coordination deficiencies within the Commission and also between EU institutions. A good example of the problems emanating from the multidimensionality of and the number of actors in European foreign policy with regard to financing policy instruments is the case surrounding the establishment of the Palestinian police force. Based on the Council's joint action of 1994 in support of the peace process (see COUNCIL, 1994a), the Council decided to make €10 million from the EC budget available for the police force's establishment. Because the EC budget line covering the operative funds for the CFSP was not sufficient to finance this project, the Council utilized funds from a different budget line without consulting the Commission or the EP. Having already committed these funds for other priorities, tensions arose between the Commission and the Council as to the financing of this action; eventually, however, the Commission gave in to Council pressure and used the funds under the budget line specified by the Council. This subsequently led to tension with the EP, its main power over European foreign policy being

¹²² The structural weaknesses of the Commission's programming and management procedures were identified by the COURT OF AUDITORS (2000) as heavily centralized, slow, and cumbersome decision-making; fragmented responsibilities and a lack of coordination between these; a lack of performance indicators so that progress can be assessed; no project pipeline; and insufficient coordination with other donors.

budgetary control, who felt that the EC budgetary rules had been blatantly disregarded during the reallocation of funds, because it had not been informed nor consulted. The EP therefore threatened to block the funds before a compromise was finally agreed upon in October 1994. In return for the Council and Commission's promise to refrain from similar actions in the future, the EP agreed to use the budget line in support of the Palestinian policy (MONAR, 2000, pp. 238-240). Thus, the coordination problems between the various actors of European foreign policy also contributed to delays in implementing financial assistance.

1.3.2 Assistance in the Wake of the Intifada

The outbreak of the Al-Asqa Intifada in late September 2000 and the Israeli response to it led to economic paralysis in the Palestinian territories and a substantial decrease in the Palestinians' standard of living. During the intifada, Israel progressively imposed harsher border closures and movement restrictions, reoccupied the main cities and towns in the West Bank and Gaza Strip, imposing 24-hour curfews on the population, and engaged in large scale raids, all measures that effectively disrupted Palestinian economic and social activity. The production and circulation of goods and services in the Palestinian territories were hampered by the Israeli policies, resulting in a rapid reduction in national income to levels around 30 percent below the pre-Intifada level (between 1999 and 2001 there was a 17 percent decline in gross national income, in 2002 it fell by a further 20 percent) (see AJLUNI, 2003, p. 67). Palestinian unemployment rose from 11 percent in 2000 to more than 41 percent in 2002, and mass impoverishment emerged in the Palestinian territories (the poverty rate rose from 21 percent to over 60 percent between 2000 and the end of 2002) (AJLUNI, 2003, p. 69). At the beginning of 2001, Israel also began to withhold revenue transfers to the PA, and this, in combination with the economic situation in the Palestinian areas that led to a substantial loss of revenue from taxes and fees, drove the PA to the brink of financial collapse. Furthermore, much of the infrastructure and administrative buildings erected since Oslo as well as Palestinian homes were partially damaged or completely destroyed by the Israeli military operations. The World Bank estimated the damage to infrastructure such as agricultural land, public building, utilities, private homes, and roads in the West Bank and Gaza Strip by the end of 2002 to be nearly \$ 650 million (AJLUNI, 2003, p. 69); damages to donor-financed infrastructure totaled approximately € 150 million (ASSEBURG, 2003a, p. 18). EU- and member state-funded infrastructure, particularly the

airport and seaport in the Gaza Strip, roads, water and sewage projects, garbage dumps, schools, and ministries were also damaged and destroyed by the Israeli raids with damages estimated at around € 24 million (ASSEBURG, 2003a, p. 18).

In response to the deteriorating economic situation in the West Bank and the Gaza Strip highlighted above, the EU refocused its assistance strategy. Instead of aiming to foster economic development and improve Palestinian living conditions, the EU shifted its financial support to more basic emergency relief and the provision of basic services in order to ameliorate the emerging humanitarian crisis in the Palestinian territories. As a result, humanitarian aid, support to refugees, and development assistance moved to the forefront of the EU's financial assistance agenda. Humanitarian aid increased threefold in comparison to pre-intifada levels, totaling over € 350 million from 2000 to 2005 (see Table 9 below).

Table 9 EC support for the Palestinians, 2000-2005 (in € million)

	2000	2001	2002	2003	2004	2005	TOTAL
Direct support to PA	90	40	120	102	90.25	76	518.25
Infrastructure projects	0.8	0.97	38.3	0	0	40.55	80.62
Institution building	16.89	5.76	21.50	12	6	17	79.15
Support to refugees through UNR-WA	40.24	57.25	55	57.75	60.65	63.67	334.56
Humanitarian and food aid	33.60	41.95	69.24	61.61	61.11	65.28	356.55
ISR/PS civil society and support for peace process	22.90	0	10	7.50	10	10	60.4
SMEs, East Jerusalem, Human rights, NGOs, other projects	20.77	2.55	11.86	30.04	26.22	5.86	98.3
TOTAL	225.20	148.48	325.90	270.90	254.23	278.36	1503.07

Source: adapted from EUROPEAN COMMISSION, 2007b.

In addition to its reorientation towards humanitarian relief, the EU shifted its support for the establishment of Palestinian government institutions to direct budgetary support for the PA in order to prevent its complete financial collapse. Beginning in November 2000, the Commission granted first bridge loans through the Special Cash Facility: The PA received € 27.5 million in budgetary support in November 2000, and the Commission increased this support in December 2000 (DIETL, 2005, p. 83). After Israel began to withhold tax transfers, a substantial amount of EU aid to the PA was paid as direct budgetary assistance from June 2001 to December 2002 (see Table 9 above). During this time period, the EU paid the PA a monthly direct, non-project bound budgetary assistance of € 10 million to assist with expenditures such as basic services in the educa-

tion and health sectors as well as the wages of civil service employees (ASSEBURG, 2003a, p. 18-19). After Israel finally resumed tax transfers to the PA at the end of 2002, the EU decided to discontinue its direct budgetary assistance and offered similar support in amortizing the debts the PA had incurred since the beginning of the intifada (ASSEBURG, 2003a, p. 19). The EU once again refocused its assistance through a Reform Support Instrument that covered funding for private sector development, social services, fiscal and judicial reform, election monitoring, and the establishment of the Palestinian Central Elections Commission, linking the provision of financial assistance more closely to reform efforts.

The long-term objective of the EU, however, remained the establishment of an independent, democratic, and viable Palestinian state. The EU, therefore, attempted to maintain its support for Palestinian state-building and focused on inducing the political reform of the PA to correct the deficiencies of Palestinian institution-building highlighted in the Rocard-Siegmán Report of 1999. In this context, the EU increasingly used conditionality in disbursing its financial assistance to the Palestinians and provided aid only for reforms that would lead to good governance and transparency. By doing so, it attempted to shape the further development of Palestinian institutions with the goal of consolidating democracy and good governance, quelling violence, and removing any reason for the U.S. or Israel to refuse to negotiate with the Palestinians (TOCCI, 2005b, p. 15). In light of the Roadmap's reform agenda and the Palestinian's internal debate on reform (on the latter see KLEIN, 2003), the Commission sought to tighten its transparency and accountability benchmarks and to initiate reforms in the financial sector to prevent the PA's misuse of EU funds: It insisted on the creation of a single treasury account under the control of the Palestinian finance ministry and monitored by the IMF, in which all revenue and expenditures were traceable, as well as the formulation of tougher auditing provisions. The direct budgetary support without conditions was, as previously mentioned, discontinued in mid-2003 and replaced with targeted parcels of aid to pay PA bills. In addition to its efforts to reform the fiscal system, the EU concentrated on reform in the judiciary, calling for the ratification and implementation of the Law on the Independence of the Judiciary, the establishment of a Constitutional Court and a High Judicial Council as well as the abolishment of the state security courts and assisting in training judges and refurbishing courts. It also focused on the restructuring of the security sector, the redistribution of competences within the executive, and free and fair elections (see TOCCI, 2007, p. 102 and YOUNGS, 2006, p. 153). In conjunc-

tion with its reform efforts, the EU began to flex its muscles by withholding aid: It withheld a large amount of new aid until a prime minister¹²³ was appointed to marginalize Arafat's power and to provide for more parliamentary government as well as € 10 million in election support until a new election law that established an independent election commission was passed and linked € 7 million of judicial reform assistance to the adoption of a new law on an independent judiciary (YOUNGS, 2006, p. 153). In late 2005, it withheld its third payment (€ 35 million) to the Public Financial Management Trust Fund¹²⁴ for the PA due to the PA's continued uncontrolled public sector hiring, a practice in contradiction to the PA's commitment to contain wages and to restrain from additional public sector hiring (TOCCI, 2006, p. 8). Thus, in comparison to pre-intifada years, EU "pressure on corruption and financial mismanagement moved from "soft" to "hard" conditionality" (YOUNGS, 2006, p. 154).

The justification for the overall change in aid priorities after the outbreak of the intifada centered on the wish to avoid a total collapse of the PA and the Palestinian economy and to alleviate the human suffering inflicted by the Al-Asqa Intifada and the Israeli response. The strategy behind the new aid focus was to ensure a minimum level of stability and to prevent additional violence and further deterioration of an already dire situation. Yet, the shift in European support created some dilemmas on the ground. The large amount of EU emergency aid for the Palestinians and the EU's financing of the PA budget are suggested by some scholars to have relieved Israel from its humanitarian responsibilities as an occupying power as well as from its obligations with regard to monetary transfers according to the terms of the 1994 protocol (ASSEBURG, 2003a, p. 18). Because Israel was not burdened with these immense costs, it was easier for it to finance the reoccupation of large population areas in the West Bank and Gaza Strip and to maintain the occupation for a prolonged period of time. On the other hand, EU emergency support to alleviate the socioeconomic ramifications of the conflict "effectively substituted the fast-collapsing Palestinian "state" for social NGOs as primary ser-

¹²³ In response to international pressure with respect to marginalizing Arafat (the appointment of a Palestinian Prime Minister was the prerequisite for the publication of the Road Map), Mahmud Abbas (Abu Mazen) was appointed to the post of Prime Minister in March 2003. In the throes of a power struggle with Arafat over the control of the Palestinian police force and due to Israel's unwillingness to implement the Roadmap, Abbas resigned in October 2003. His successor was Ahmed Qurei, who, apart from 10-day period in December 2005, remained Prime Minister until the elections in 2006.

¹²⁴ This trust fund was established in April 2004 to support the PA's financial management reforms at the request of the PA and with support from the international donor community. Disbursements from this fund were conditional upon the PA's Financial Management Reform program. The Commission was the main donor, committing a total of approximately € 70 million. The trust fund was not renewed after the Hamas ascended to power.

vice providers, arguably undermining local democratic accountability” (YOUNGS, 2006, p. 150). Palestinians also feared that EU policies were exacerbating the economic downfall. In light of the decline of Palestinian employment in Israel as a result of the closures, the EU failed to use its economic leverage to push for increased integration between Israel and the West Bank and Gaza Strip, focusing instead on direct EU-Palestinian links such as trade, which was continually obstructed by Israel (YOUNGS, 2006, p. 151). Furthermore, according to ASSEBURG (2003a), the focus of emergency aid allocated exclusively to the Palestinians has led the Palestinians to view themselves as the only victims in the conflict, which may contribute to the reason why Palestinian society has not considered it necessary to question its inclination towards violence (p. 18). Although EU emergency aid was and is considered to be effective in containing the humanitarian consequences of the crisis and in preventing further socioeconomic deterioration, it did and does not offer any final solution to it nor has it contributed to further developing Palestinian infrastructure, the economy, or self-sustaining institutions.

Because emergency service provisions initially were at the forefront of the EU response to the intifada and the Israeli incursions, the focus on political reform – Palestinian frustration with the PA is attributed to be a main factor contributing to the outbreak of the intifada (see BEN YISHAY, 2002) – remained cautious at first. In fact, the focus on reform, good governance, and democracy “only came to the forefront of the donor agenda in mid-2002, in the context of a bankrupt and delegitimized PA in need of external budgetary support” and amid accusations that donor funds were financing Palestinian corruption and terrorism against Israel (LE MORE, 2003, p. 993).¹²⁵ During this time period, EU reform efforts concentrated more on governance and transparency rather than on the underlying dynamics of Palestinian politics; conditionality focused mainly on technical auditing devices, rather than on the power structures of the PA. In fact, EU funding priorities and initiatives reflected much more concern with increased financial transparency in order to prevent PA funds from being utilized by extremist

¹²⁵ Beginning in 2002 Israel repeatedly claimed that the EU’s direct budgetary assistance for the PA was being used to support terrorist activities, speculation that has since been disproved in investigations by the Commission, the IMF, and the European Anti-Fraud Office (see ASSEBURG, 2003a, pp. 20-23; OLAF, 2005). Whereas the Commission and the IMF both determined that EC funds were used for projects that were agreed upon between the EU and the PA, the OLAF investigation concluded that “no conclusive evidence of support of armed attacks or unlawful activities financed by EC contributions to the PA budget” existed; however, it did not exclude the possibility that PA assets may have been utilized for “other than the intended purposes” (OLAF, 2005). A Working Group of the European Parliament, established in March 2003, also cleared the Commission of misdoing in this matter in April 2004 (see EU-Ausschuss 2004, p. 6), as well as WYNN/THEATO, 2004, and, LASCHET, 2004).

groups rather than comprehensive democratization (YOUNGS, 2006, p. 155, see also YOUNGS, 2004). The EU's philosophy with regard to supporting the creation of Palestinian government organizations seemed to be "build the Palestinian state first, then [...] aim to perfect democracy" (YOUNGS, 2006, p. 162).

Institution-building aid in this time period also generated few reform dynamics, not least because Arafat continued to be reluctant to implement reforms. Once the U.S. propagated the idea of the marginalization and/or removal of Arafat from Palestinian politics in 2003, "the EU pushed for reform as a means to re-engage Washington in the peace process and to remove any reason or excuse for Israel's refusal to negotiate" with the Palestinians after the publication of the Roadmap (TOCCI, 2007, p. 123). In this context, much attention was spent on issues such as the creation of the prime minister's post or the reform of the security sector, instead of on other areas of reform. Although the EU was successful in getting the Palestinians to adopt the Basic Law and a Law on the Independence of the Judiciary, implement financial transparency reforms, and partially restructure the security sector, with EU conditionality being key in the areas of financial and judicial reform, the EU's overall influence on reform has been limited. The prime minister's post created in 2003 did not have much power, because overall control remained mostly in Arafat's hands, and Israel, also charging that the EU had not done enough to ensure a strong, democratic PA in the 1990s, effectively undermined Abbas in his term as prime minister by not lifting checkpoint restrictions or halting settlement activity. In fact, according to YOUNGS (2006), "[t]he EU did little – either itself or through pressure on Israel – to give Abbas a chance to consolidate an independent reform-oriented power base" (p. 156). And although the Palestinians did adopt a law on the independence of the judiciary, there is no effective separation of powers between the executive and the judiciary, and the independence of the judiciary was diminished by amendments Arafat made after the law was passed, an aspect – as well as other problems in the judicial sector – that the EU has largely neglected since 2002 (TOCCI, 2006, p. 8). Moreover, despite the partial restructuring of the security sector from twelve security apparatuses to six (three remained under the President's direct authority), a large part of the planned security reforms have not yet been implemented (TOCCI, 2005b, p. 16). Overall, the reforms achieved under Arafat remained largely cosmetic, despite the improvements in the field of financial transparency. Because reform focused on the opportunity presented by the Roadmap and the reengagement of the U.S. in the peace process, it quickly lost the necessary momentum. Progress in the

reform agenda resumed after Arafat's death in late 2004 and the election of his successor, Mahmud Abbas, in January 2005: Observers commented on the gradual "emergence of a decisionmaking culture based more on the rule of law" due to new provisions strengthening parliamentary scrutiny, reforms increasing fiscal transparency, and measures broadening judicial independence (YOUNGS, 2006, p. 164). Yet the renewed commitment to reform was challenged by the Hamas's decision to participate in the parliamentary elections scheduled for July 2005, elections that were then postponed by Abbas until January 2006 due to Hamas's increasing popularity amongst Palestinians.

The limits of EU conditionality vis-à-vis the Palestinians can be linked to the deteriorating situation on the ground. The Israeli occupation policy in response to the intifada (i.e. restricting Palestinian movement and withholding PA tax revenues) was an obstacle to Palestinian reform. On the one hand, the PA lacked the necessary monetary resources to embark on institutional reform, to hold elections, and to reform the security sector. On the other hand, Palestinian officials were not allowed to move freely across the Palestinian territories, thus preventing the implementation of reforms. Furthermore, the complexity of internal Palestinian political dynamics limited the success of EU conditionality, especially with regard to conditionality aimed at preventing Palestinian violence. The targets of EU conditionality, i.e. the PA and Arafat, were not the principal instigators of violence against Israel. Because the EU had no direct contact with Palestinian actors such as Hamas or the al-Asqa Brigades (these being on the EU's terrorist list), it had no leverage on these actors. Lastly, the U.S. and Israeli approach to reform in the form of 'regime change', i.e. ousting Arafat, served to strengthen his legitimacy, therefore weakening the internal Palestinian reform movement and resulting in merely superficial reforms during this time period (TOCCI, 2005b, pp. 16-17).

1.3.3 Assistance after the Hamas Victory of 2006

After Hamas's victory in the Palestinian parliamentary elections in January 2006, in which it won 76 of the 132 parliamentary seats, Israel proceeded to withhold revenue transfers of around \$ 60 million per month to the PA and increased the closures on the West Bank and Gaza Strip, hindering the movement and access of goods and people and contributing to a new fiscal crisis. Public employees' salaries could not be paid; over one million people were without regular income. As a result of the closures limiting the Palestinians' ability to work and the PA's inability to cover public sector wages, the number of poor Palestinians increased from 1.3 million in 2005 to 2.7 million in June

2006. The lack of financial resources also resulted in a decline in the provision of basic services such as health care, electricity, water, etc. Once again, a fiscal, socio-economic, and humanitarian crisis began to unfold in the Palestinian territories (EUROPEAID, 2007, p. 4).

In response to the deteriorating situation in the Palestinian territories, the EU once again focused its financial assistance for the Palestinians on emergency and humanitarian aid. Unclear of the ramifications a Hamas-led government could have, the EU initially refrained from immediately suspending aid – a threat the EU's High Representative, Solana, had made in December 2005 in an attempt to weaken Hamas's popularity in the run-up to the election – and adopted a wait-and-see attitude. While waiting for the Hamas-led government to form and to see how it would conduct itself before taking action on the possibility of aid discontinuation, the Commission disbursed in late February 2006 around € 120 million to the PA and the UNRWA to cover the basic needs of the Palestinians, of which € 17.5 million was authorized to be released as budgetary support for the interim government from the Public Financial Management Trust Fund (see EU *zahlt*, 2006). With this money, the EU wanted to alleviate the PA's financial difficulties incurred as a result of Israel's halted tax transfers and the U.S. request that the PA return some \$ 50 million of aid (see *Palestinians 'face financial crisis'*, 2006). Around € 64 million of this aid disbursement went to the UNRWA, and € 40 million in interim emergency relief was to be used for electricity and water service (see Table 10, p. 222).

The continuation of aid to the Palestinians and the PA was heavily debated, with both the EU and the U.S. supporting the suspension of aid if Hamas were not to renounce violence and recognize Israel's right to exist. In a GAC meeting in late January 2006, the Council reiterated its support for the Quartet's conditions of uninterrupted financial assistance to the new government, urging the Hamas to disarm, to renounce violence and terrorism, to recognize Israel's right to exist, and to accept and abide by previous agreements concluded between the PLO and Israel as well as to commit itself to the rule of law, reform and sound fiscal management. As long as the new government abided by these conditions, the EU stressed that it “[stood] ready to continue to support Palestinian economic development and democratic state building” (COUNCIL, 2006a, p. 15). In March 2006, the new Palestinian government was formed with Hamas leader Ismail Haniyeh as the new prime minister. After determining that the Hamas-led government had not fulfilled these all-encompassing conditions set forth by the Quartet, the Com-

mission decided to temporarily suspend financial support to the Hamas-led government in early April 2006, a freeze on assistance that covered all direct aid to the PA and the payment of public employees' salaries with EU funds through the World Bank Trust Fund. The EU foreign ministers decided to continue this freeze, stressing simultaneously that the suspension of payments would not affect humanitarian aid (COUNCIL, 2006j, p. 14).

Table 10 EC Assistance to the Palestinians, 2006-2007 (in € million on a commitment basis)

2006		2007	
Interim Emergency Relief Contribution	40	Temporary International Mechanism	350
UNRWA General Fund	64.41	Private Sector Arrears	20
UNRWA Refugees in Lebanon, Jordan and Syria	10	Institution Building	5.7
Temporary International Mechanism	101.75	UNRWA General Fund	66
Technical Assistance and Capacity Building	12	UNRWA Projects	13.8
Humanitarian Aid	84	Food Aid and Humanitarian Aid (ECHO)	66.3
Food and Food Security	20	Food security	10
Co-financing with NGOs	4.91	Social and Health projects in East Jerusalem	2
Human Rights and Democracy	2.84	Support to civil society (PFP, Democracy and Human Rights)	9.2
		Support to Palestinian-Israeli negotiations towards a peace agreement	7.5
TOTAL	339.91		550.5

Source: adapted from COMMISSION TECHNICAL ASSISTANCE OFFICE 2007; EUROPEAN COMMISSION, 2007c.

In order to meet the needs of the Palestinian people without having to support the Hamas-led PA, the EU insisted on resuming aid and establishing a mechanism that would allow for substantial amounts of aid to the Palestinians while at the same time bypassing the PA. With the Quartet's blessing, the EU devised a Temporary International Mechanism that would allow international donors to deliver direct assistance to the Palestinian population to maintain basic services and infrastructure support. TIM began operating in June 2006 and worked through three windows while cooperating with the Palestinian president, Abbas, as the interface between donors and the PA. Window I, funded by the EC, EU member states, and other donors and implemented through the World Bank Emergency Services Support Program, provided essential supplies and covered the running costs for health, education, and social services that were

financed by the PA before the crisis. Access to electricity, water, and sanitation is covered by Window II and entirely funded by the EC (implementation is through the TIM-Management Unit). Examples of support within this window include supplying fuel to the Gaza power plant, to hospitals, and to waste water systems. The third window, funded by the EC, EU member states, and other international donors and implemented through the TIM-Management Unit, provides relief to vulnerable and poor Palestinians through direct cash assistance. In 2006, EC assistance disbursed through TIM totaled more than € 101 million, with approximately € 10 million, € 70 million, and € 170 million allocated to the respective windows (see EUROPEAID, 2007). Although initially intended to be in operation only through December 2006, TIM was repeatedly extended through 2007 to cover the entire year with the EC disbursing some € 350 million, € 5, € 91, and €252 million for Windows I, II, and III, respectively (see EUROPEAID, 2008).

Following the establishment of the Palestinian National Unity Government in March 2007, financial assistance coordination through TIM was gradually transferred to the PA's Ministry of Finance as the EU began to resume contacts with the new government. At this point in time, however, the aid embargo was not lifted (LUBOSOVA, 2007). After the formation of the emergency government in June 2007, the international community offered its support to Abbas and resumed contacts and financial assistance to the PA. The EU reinstated its direct financial aid to the Palestinians in late June 2007 by resuming direct cash flows to the official administration based in the West Bank (COUNCIL, 2007b, p. 19). It also, however, kept the TIM in place in order to support the Palestinians in the Gaza Strip. Shortly before this, External Relations Commissioner announced that the EU would offer technical assistance and training to the officials in the Palestinian finance ministry (EUROPEAN COMMISSION, 2007a).

Although TIM certainly helped prevent a humanitarian catastrophe in the West Bank and Gaza Strip, the socio-economic situation deteriorated further due to the suspension of EU budget support, Israel's transfer freeze, extensive Israeli military operations, and a tightened closure policy. The EU has also undermined its state- and institution-building policies of the previous years by attempting to strengthen the Palestinian president in light of Hamas's control of the prime minister's office: "In other words, having exerted much effort in 2002-2005 in creating and empowering the post of prime minister, and shifting the control of PA finances and security from the presidency to the Ministry of Finance and the Ministry of the Interior respectively, the EU worked assiduously in 2006 to undo these results" (TOCCI, 2007, p. 121). Once focused on curtailing the

powers of the president, the EU's policy after Hamas's election victory served to reverse the reforms it had once helped initiate. Furthermore, according to ASSEBURG (2007), the EU's support of Abbas has contributed to an "unprecedented escalation in intra-Palestinian violence", as some Fatah followers have interpreted the West's position as supporting regaining power by force, while the policy of isolation has increased Iran and Syria's support for Hamas, leading her to conclude that "the European isolation-cum-relief approach has failed to advance peace efforts" (n.p.).

1.4 Promoting Regional Cooperation

An important dimension of European engagement in the Arab-Israeli peace process is the EU's efforts towards regional cooperation and the search for multilateral solutions through regional cooperation. As a unique tool in the European foreign toolbox and viewed by the EU as a means of fostering prosperity, peace, and security, the EU's attempts at promoting regional cooperation in the Middle East focus on creating the economic and social conditions that would contribute to the conflicting parties' willingness to adhere to bilateral agreements and to continue the search for a final settlement to the conflict. Such efforts have been pursued mainly within two forums: REDWG and EMP. Whereas REDWG, a working group established within the multilateral framework of the Madrid Peace Process, was not created by the EU itself (the EU was entrusted with its leadership because of its own experiences in regional cooperation and integration), EMP represents a classic example of the EU's strategy to promote cooperation in that the EU has grouped states (and a non-state actor) together as a region and has attempted to promote regional cooperation in an area where the local actors had made no effort towards similar cooperation initiatives.

1.4.1 Regional Economic Development Working Group

The EU's first attempt at promoting regional cooperation materialized within the multilateral framework established in conjunction with the Madrid Peace Process. Entrusted with the chair of the largest working group in the multilateral framework, REDWG¹²⁶, the EU guided the working group in its efforts towards regional integration and interdependence through the creation of mutual economic development projects. After being marginalized in the bilateral talks, its role as gavel-holder of REDWG presented the EU with the opportunity to enhance its own role in the peace process. Initial-

¹²⁶ The core regional parties of REDWG were Egypt, Israel, Jordan, and the Palestinians.

ly, however, the Europeans displayed “little interest or enthusiasm” for these talks and did not engage more actively in REDWG until after the breakthrough between the Israelis and the Palestinians in Oslo in late 1993 (PETERS, 2000, p. 165). In fact, before Oslo the talks in REDWG seemed to be deadlocked due to “the question of Palestinian representation and the style of the European Union’s leadership” (KAYE, 2001, p. 113). The main obstacle was the question of Palestinian representation in the working group, a dispute exacerbated by the European position. As the EC/EU attempted to devise a more determining role for itself within the framework of the Madrid Peace Process, it made an effort to advance and to implement its position regarding PLO participation in negotiations: During the preparations for REDWG’s first plenary meeting in May 1992 in Brussels, the EC/EU did not accept the Israeli demands that diaspora Palestinians (i.e. Palestinians from outside the West Bank or the Gaza Strip) could not attend any multilateral meetings. Israel thereupon threatened to boycott the meeting and did so; consequently, the EU commenced the meeting without Israeli representation. After Community pressure on Israel (the EC slowed down the negotiations on an association agreement to replace the 1975 cooperation agreement), the Israelis agreed to allow a Palestinian delegation – without PLO members or residents of East Jerusalem – to participate in the working groups. Yet, Israel remained suspicious of Europe’s intentions as a gavelholder and feared that Europe would use the working group to “gain a foothold in the peace process rather than foster regional economic development”, a key political interest for Israel in its pursuit of political integration in the region (KAYE, 2001, pp. 63-64). The Arabs also hindered progress in REDWG due to their reluctance to move forward on the multilateral track before progress on the bilateral track had been made.

As progress in the peace process’s bilateral track materialized in late 1993, regional economic cooperation under the auspices of REDWG began to “flourish” (KAYE, 2001, p. 111): Despite the setbacks in the peace process in the years after the signing of the DOP, REDWG produced regularized contacts, hundreds of meetings, and established institutions. It was within this context that the EU began to promote regional activities and encourage the parties to think about their long-term economic relations. In November 1993, the fourth round of the multilateral talks led to the signing of an action plan that specified a list of substantive economic projects: In different ten sectors the REDWG participants proposed 35 regional projects, most of which focused on infrastructural development in transport, communications, and energy. The sheer scope of the Copenhagen Action Plan triggered the group to establish a monitoring committee in

June 1994, a move led and funded by the EU. The monitoring committee was to monitor the implementation of the CAP and to foster more cooperation on regional economic development by identifying new tasks. Subcommittees on trade, tourism, infrastructure, and finance were also created in order to better coordinate the work carried out in the intersessionals and to bring forth the implementation of joint projects. Due to its successes, the monitoring committee became a “model for cooperation among the regional parties and signal[ed] what can be accomplished by negotiations in the multilateral track” (GINSBERG, 2001, p. 151).

Of particular significance for REDWG was the establishment of the REDWG Secretariat in Amman. Endorsed by the multilateral steering group of the Madrid framework in July 1994, the secretariat began operations in March 1995 and became actively involved in the organization of technical workshops and feasibility studies on infrastructure, energy, transportation, and community. As such, the Secretariat took “the first steps in fashioning new common structures of cooperation, coordination and decision-making in the Middle East” (PETERS, 2000, p. 165). The creation of this permanent secretariat placed the responsibility for the process of regional cooperation in the hands of the regional parties themselves, signaling a shift away from economic cooperation under European auspices. Moreover, as the first regional institution generated by the peace process, this move represented an important step towards the institutionalization of the multilateral process: The REDWG Secretariat in Amman “is the first, and remains the only, functioning regional institution [...] in which Egyptian, Israeli, Jordanian, and Palestinian officials have been working together on a daily basis” (PETERS, 1999, n.p.).¹²⁷

Other institutions developed within the REDWG framework and in conjunction with the MENA summits (four regional forums on developing private business infrastructure in support of the peace process sponsored by the U.S. and Russia and with the support of the EU, Canada, and Japan) include the Regional Business Council (RBC), the Middle East-Mediterranean Travel and Tourism Association (MEMTTA), and the Middle East Development Bank (MENABANK). The RBC was conceptualized as a networking mechanism to build links between private sector entrepreneurs to encourage intraregional trade and investment; however, it was very vulnerable to the setbacks in the peace process and has not met since March 1996 (see KAYE, 2001, pp. 138-139; SOLINGEN, 2000, p. 176). MEMTTA was created to promote tourism and to increase the region’s share of the global tourism market, the headquarters of which is located in Tu-

¹²⁷ Although the REDWG Secretariat is still operational, it has struggled to find a role for itself since REDWG talks were suspended (PETERS, 2000, p. 165).

nesia. This institution also fell to the setbacks in the peace process: Egypt did not ratify its charter due to the political setbacks; consequently, MEMTTA was never formally established and public sector activity was suspended, although the members did continue some activities. Nevertheless, as the multilateral track activities were suspended so was MEMTTA (KAYE, 2001, pp. 140-141; see also SOLINGEN, 2000, p. 175). The MENABANK was to serve as the regional development institution but fell into oblivion relatively quickly after a number of future members failed to ratify and sign the bank's charter, and the setbacks in the bilateral process muted the support for this institution. More important in contributing to the bank's demise, however, was the inability of the U.S. administration to receive congressional funding for the initiative due Congress's fiscal concerns as well as its apprehension with respect the deterioration of the peace process after Netanyahu's election in May 1996 (see KAYE, 2001, pp. 145-146).

Despite these failures, in the context of the Arab-Israeli conflict the regional economic cooperation fostered by REDWG "was a remarkable accomplishment" (KAYE, 2001, p. 111). Given the weak economic foundations upon which to build such regional economic cooperation, REDWG was able to develop "an unprecedented forum for Arab-Israeli economic cooperation" (KAYE, 2001, p. 110). The success of REDWG was thus providing the first multilateral context in which Arabs and Israelis participated in working group meetings and projects. Yet, overall, the working group was not able to produce tangible results. REDWG, as well as the other multilateral working groups, became paralyzed as a result of the breakdown in the peace process in mid-1996, and the core parties in REDWG met for the last time in January 1997, because the Arab League decided in March 1997 to freeze the normalization of relations with Israel and to suspend all negotiations within the multilateral track. All subsequent attempts to revive the multilateral negotiations in the REDWG framework have failed.

The breakdown in the bilateral track of the peace process was, however, not fully to blame for the failures of the multilateral talks within the REDWG framework. An inherent flaw of the multilateral track prevented substantial progress towards regional economic cooperation: As DIECKHOFF (2002) remarks, "grandiose projects on transport or energy can always be aired but they will never be started to be implemented if the basic political problems are not definitely solved" (p. 151). In addition to the structural weaknesses of the multilateral track, REDWG was not the only framework for the discussion and the development of regional cooperation structures; regional economic development was also pursued by the MENA economic summits, OSCE initiatives,

NATO initiatives, WEU initiatives, and the Barcelona process. But “most significant in diminishing REDWG’s impact” was the increased rivalry and competition between the EU and the U.S. over leadership and in the sphere of economic cooperation (KAYE, 2001, p. 119). This rivalry was increasingly regarded as developing competing mechanisms for regional cooperation, leading to the “dilution rather than a concentration of efforts towards developing regional cooperation” (PETERS, 1999, n.p.). After Oslo, the U.S. increasingly reasserted its leadership role in the peace process after the demand and potential for substantive economic development rose, and it became clear that the U.S. preferred to implement the economic dimensions of the peace process outside of REDWG. The creation of the EU’s autonomous regional cooperation initiative, the Barcelona process, has been regarded in this context by many to be “a direct response to the American effort to maintain control over regional economic affairs” (KAYE, 2001, p. 120).

1.4.2 The Euro-Mediterranean Partnership

The concept of a Euro-Mediterranean partnership as a regional cooperation instrument initially emerged at the end of the 1980s when the Commission began to formulate initiatives aimed at revamping the EC’s Mediterranean policy at that time, the Global Mediterranean Policy, a policy that brought the diverse bilateral arrangements between the EC and the Mediterranean countries into a single framework with the aim of pursuing a coordinated regional policy (see JÜNEMANN, 1999). During this time southern member states such as Spain, Italy, and France also proposed many multilateral initiatives to tackle the Mediterranean’s problems, all of which remained unsuccessful due to the unresolved conflicts in the Middle East and the lack of political will on the European side. In an attempt to reinvigorate the EC’s Mediterranean policy, the Commission proposed a Euro-Maghreb partnership and a Mediterranean free trade area in 1992, and by 1993 EU participation in the Arab-Israeli peace process had convinced the Commission of the necessity of extending such a partnership to Israel and the Mashreq as well. Moreover, the success of the EU’s policies towards Central and Eastern Europe contributed to the pursuit of a similar all-encompassing strategy for the Mediterranean (GOMEZ, 1998; MEDINA ABELLÁN, 2004). In 1994 the Commission further extended the partnership model to the entire Mediterranean region, grouping the Maghreb and the Mashreq together as a region, and emphasized that the objective of the EU’s Mediterranean policy was to “achieve peace and stability in th[is] region”, (EURO-

PEAN COMMISSION, 1994, p. 7). The European Council also stressed the “value” of “jointly examining political, economic and social problems to which solutions may be more effectively sought in the context of regional cooperation”, contributing further to the formulation of a regional strategy for the Mediterranean (PRESIDENCY CONCLUSIONS, 1994a). Thus, the countries of the eastern and the southern Mediterranean were grouped together as a region by the EU; no regional grouping encompassing all these countries had existed at this time, thus resulting in the EU attempt to construct a Mediterranean identity from scratch.

After a year of difficult negotiations and compromise between the Commission and the member states and amongst the member states themselves, the culmination of the EU’s policy change was celebrated at the Euro-Mediterranean Conference in Barcelona in November 1995, giving birth to the Euro-Mediterranean Partnership between the EU member states (at that time the Fifteen) and their Mediterranean partners (Egypt, Algeria, Israel, Jordan, Lebanon, Malta, Morocco, Syria, Tunisia, Turkey, Cyprus, and the PLO/PA), “provid[ing] for the first time a clear geopolitical and economic scenario for a priority region in the Union’s foreign policy” (EUROPEAN COMMISSION, 1998a, p. 6).¹²⁸ The EMP’s main objective was to turn “the Mediterranean basin into an area of dialogue, exchange and cooperation guaranteeing peace, stability and prosperity” (BARCELONA DECLARATION, 1995). The underlying assumption behind the EMP was that regional cooperation would eventually lead to peace and stability. To this end, financial assistance (through MEDA, see V.1.3), bilateral association through upgraded bilateral agreements (the Euro-Mediterranean association agreements), and multilateral dialogue became the principle elements of the partnership. The EMP’s multilateral dialogue, a departure from the past practice with respect to the Mediterranean, was defined by the three chapters or baskets of the Barcelona Declaration, the agenda of which is pursued through multilateral meetings at various levels: the political and security partnership, economic and financial partnership, and the social, cultural, and human affairs partnership. The political and security partnership aims to create a common area

¹²⁸ Whereas the southern member states, particularly Spain and France, pushed the initiative forward and demanded stronger protection of their markets and an increase of financial assistance to the Mediterranean partners, the northern member states, most prominently Germany, Great Britain, and the Netherlands, were focused on the eastern enlargement of the EU and were against the additional financial burden the EMP would impose upon the EU. In order to convince these member states of the necessity of a Mediterranean initiative, Spanish Prime Minister González threatened in September 1994 to block enlargement unless the EU accepted the importance of the Mediterranean. Later that year, in December, German Chancellor Kohl finally came to accept the necessity of an enhanced Mediterranean policy, helping to eliminate the resistance from other member states by early 1995 and paving the way to the establishment of the EMP (see GILLEPSIE, 1997).

of peace and stability by engaging in institutionalized political dialogue and confidence-building measures. This basket also includes the respect for human rights, democratic reform, and principles of good governance as well as the non-proliferation of WMD. The basis of the economic and financial partnership is the creation of a Euro-Mediterranean Free Trade Zone by the year 2010 in order to improve the economic situation of the region and to stabilize it economically as well as politically. Because the main objective of EU policy in the Mediterranean region was to support economic growth in the hopes that it would contribute to increased socio-economic development and thus foster regional stability and prosperity, the economic and financial partnership became central to the EMP (BRACH, 2007). The social, cultural, and human affairs partnership aims to further cooperation among the people of the region through cultural exchanges and civil society promotion; to establish intra-regional networks of educational institutions, media, unions, and businesses; and to promote cooperation between regional authorities in the fight against terrorism, drug trade, organized crime, and illegal immigration. This multilateral dialogue in the three 'baskets', which came to be known as the Barcelona Process, was developed through multilateral cooperation in Euro-Mediterranean foreign ministers conferences, the Euro-Med Committee, and sectoral conferences of ministers, senior officials, and experts. Bilaterally, the EU meets with its partners within the framework of the AAs concluded as a part of the EMP.

In the months after the Barcelona conference, the EU and its Mediterranean partners worked assiduously to implement the provisions of the declaration, setting up new association agreements, establishing ministerial and official bodies to oversee the process, and holding numerous meetings to work on industrial, energy, communication, transportation, and cultural agreements. Achievements in the Barcelona Process include the negotiation of association agreements with all Mediterranean partners (only the agreement with Syria has not yet been signed and ratified), providing for reciprocal free trade; the signing of a free trade agreement (the Agadir Agreement) between Morocco, Tunisia, Egypt, and Jordan; and modest trade liberalization measures on agricultural products. Nevertheless, the EMP has proved disappointing: The Euro-Mediterranean Free Trade Area will be delayed beyond 2015, and overall progress in trade liberalization has been slow as has been the development of trade relationships between the EU's Mediterranean partner countries (see CAMERON, 2007, p. 112; BRETHERTON & VOGLER, 2006, pp. 156-157). Moreover, progress in the other baskets, especially in the political and security partnership, has remained limited. Al-

though the existence of the political and security partnership can be regarded as a success for the EMP in and of itself, the cooperation in this realm is “extremely unsatisfactory” (JÜNEMANN, 2005b, p. 7; see also JÜNEMANN, 2005a). The cooperation in the security realm has been almost completely blocked by the EU’s partners since the beginning of the second intifada in late 2000; the planned Charter for Peace and Stability on peaceful conflict management and continued political dialogue was never signed. Overall, within the framework of the political and security partnership envisioned by the Barcelona Declaration, the EMP functioned only as an instrument of political dialogue, no common initiative has emerged from the cooperation in the first chapter. With respect to the third basket, the instruments to support civil society and civic participation were subjected to the Commission’s mismanagement, hindering effective implementation of regional programs to promote cooperation across borders (ASSEBURG, 2001, p. 269).

An additional assumption behind the EMP was that peace, stability, and economic development was not possible without democracy, making the promotion of democracy and the respect for human rights in the Mediterranean a main objective of the EMP (see BARCELONA DECLARATION, 1995). In order to foster democratization and human rights, the Barcelona Process uses both top-down and bottom-up approaches, disbursing assistance channeled through MEDA to initiate institutional reforms in the context of the economic and financial partnership and attempting to influence civil society through regional programs within the framework of the social, cultural, and human affairs basket respectively. Despite EU attempts to anchor democracy and human rights in essential elements clauses in the Euro-Mediterranean association agreements and a clause in the MEDA regulation that makes aid disbursement dependent on political reforms, the EU’s success in promoting democratic reforms is marginal. The Mediterranean partners have refused to implement reforms that go beyond “cosmetic corrections” (JÜNEMANN, 2005b, p. 14), and the regional programs aimed at promoting democracy and human rights are becoming “more and more unpolitical” (JÜNEMANN, 2005b, p. 11; see also BALFOUR, 2004, pp. 18-25). Yet, the EU has been also hesitant to force reforms on its partners, as the modest results of the EMP in this realm demonstrate. Political conditionality in response to human rights violations has not been invoked, reflecting the sensitive nature of relations between the EU and its Mediterranean partners. In general, however, both the EU and the Mediterranean partners lack the necessary willingness to forcefully implement the EMP.

The attempt to apply the EC model of cooperation to the construction of peaceful relations in the Mediterranean is mostly hindered by the conflicts in the region, most specifically the Arab-Israeli conflict. Although the Barcelona Process was initially designed to be separate, but parallel, to the Oslo peace process in the Middle East, the EU quickly learned that a clear separation of the two processes is not possible. On a positive note, the EMP has been able to indirectly contribute to the peace process and influence the conflict structure. The PA participates in the EMP framework as an equal partner, as do Israel, Syria, Jordan, Lebanon, and Egypt. Moreover, the Arab states accepted Israel as a negotiating partner within this forum, making the EMP the only regional forum in which Israel meets regularly with its Arab neighbors and serving as a forum for dialogue between the conflicting parties (PHILIPPART, 2003, p. 216). Even when partners boycott foreign minister conferences, the cooperation still continues in the Euro-Med Committee and in sectoral conferences (SCHÄFER, 2005, p. 24).

Yet, it soon became apparent that while the success of the EMP is dependent upon progress in the Middle East peace process, the EMP has very little influence on the peace process. The ongoing conflict in the Middle East has repeatedly paralyzed the Barcelona Process. It became increasingly difficult to convene multilateral meetings with all the parties to the Arab-Israeli conflict. Angered by the Israeli response to the intifada, Syria and Lebanon, for example, boycotted the meetings in Marseilles in late 2000 and in Valencia in April 2002. In November 2005 the tenth anniversary of the EMP was to be celebrated with a summit meeting of the heads of state and government; only two Mediterranean partner countries were represented by their respective heads of state at the summit. The political and security partnership has been especially affected by the discord in the region. The Arab states continue to stress that security cooperation is “impossible as long as there is a ‘strategic imbalance’ between Israel and its neighboring countries”, indirectly referring to Israel’s nuclear capabilities, and refuse to discuss security with Israel in light of this situation, making the Arab-Israel conflict the main barrier to cooperation in the political and security partnership (SCHÄFER & IBRAHIM, 2005, p. 7). Thus, the EMP suffers under the unresolved problems of the conflict, and it has become more and more apparent that the objectives of the EMP cannot be achieved without a political solution to the Arab-Israeli conflict. Regional political integration is impossible as long as the conflict persists, and the lack of economic integration in the region is also directly related to the conflict. It has become apparent that the Barcelona Process is not able to contribute to peace and stability in the region

through regional cooperation until peace in the Middle East has been achieved, a fact that the European Council acknowledged in its Common Strategy on the Mediterranean in 2000 by declaring that the EMP is “laying the foundations for after peace has been achieved” (EUROPEAN COUNCIL, 2000).

In summary, the EU has not been very successful in encouraging cooperation in the Middle East and the Mediterranean (K. SMITH, 2003, p. 75).¹²⁹ Cooperation between Israel and its Mediterranean partners is “almost non-existent” (DEL SARTO & SCHUMACHER, 2005, p. 19). Moreover, the vision of a Mediterranean region is held more by the Europeans than by the Mediterranean partners: Due to continuing conflict in the region, the partnership is characterized by a lack of confidence, and a “spirit of partnership” amongst the Mediterranean partners is absent (ASSEBURG, 2005, p. 2). Furthermore, the EMP has been increasingly viewed by the Mediterranean partners as an asymmetric European-driven project, in which the EU develops initiatives which the partners accept or reject, contributing to the difficulties in facilitating integration in the region and establishing an equal partnership of which the Mediterranean partners have ownership and in which they feel enticed to cooperate (see JÜNEMANN, 2005). The return to “differentiated bilateralism” in the EU’s latest policy initiative directed at its neighborhood, the ENP, further devalues the multilateral Barcelona Process and is evidence of the failure of the EMP to promote regional cooperation in the Mediterranean (DEL SARTO & SCHUMACHER, 2005, p. 21). Moreover, the lack of willingness on the part of all EMP participants to engage more fully in the Barcelona Process is further demonstrated by the limited results of the Barcelona summit in November 2005 that had hoped to reinvigorate the inefficient and ineffective partnership and to introduce a new phase in Euro-Mediterranean relations by formulating new priorities and objectives in an Action Plan. Despite the intention of adopting a common vision for the future of the relationship, the summit only produced a watered-down code of conduct on countering terrorism and a vague action program, highlighting the differences between the EU and its Mediterranean partners on issues such as terrorism and immigration (see EURO-MEDITERRANEAN SUMMIT, 2005a; 2005b). Observers argue that the EMP will remain an ineffective instrument for the years to come and do not expect an area of

¹²⁹ The different actors in European foreign policy measure the success of the EMP differently: Whereas the Commission measures success in the EMP on the basis of progress in the contractual relations, the European Parliament views success in terms of the promotion of human rights and democracy in the Mediterranean partner countries. On the other hand, the Council has political stability objectives, which it would like to see achieved. The member states, for their part, aim for progress in the opening of markets and stable economic development in the region (JÜNEMANN, 2000).

peace, stability, and prosperity to develop as a result of this European policy initiative (ASSEBURG, 2005). A new initiative on the creation of a Mediterranean Union was thus proposed by French President Nicolas Sarkozy in May 2007 in an effort to revise European policy in this region and to provide new impetus for regional cooperation.¹³⁰

1.5 Electoral Support

Since the signing of the DOP, the EU has provided electoral support for the Palestinian elections in 1996, 2005, and 2006. Support for Palestinians elections has been regarded as a vital component of EU institution-building efforts as a way to promote democracy in the Palestinian territories as well to legitimize the peace process by providing for a democratically-elected leadership to represent the Palestinians. Specifically, the EU hopes to assist the Palestinians in realizing their right to self-determination, making electoral support a high priority on the EU agenda. In this context the EU has therefore involved itself with all aspects of the Palestinian electoral process – ranging from technical and material assistance to election observation – and has established itself as the main election observer and supporter of democratic elections in the Palestinian territories.

EU electoral support for the Palestinians began as early as 1994, when the EU proclaimed its willingness to assist the Palestinians in preparing for and observing their first-ever free, fair, and direct elections in the Palestinian territories (COUNCIL, 1994a). In this context, the EU decided to provide 10 million ECU from the EC budget to assist the Palestinians with the preparation of the elections that were called for under the DOP and delineated in the Oslo II agreement of September 1995, of which only 7.5 million ECU were actually spent (COUNCIL, 1995a). As such, the EU provided most of the money for the electoral process (OSLON, 1997, p. 85). The funds allocated for the preparation of the elections were used to assist the Palestinians with drafting the electoral law, drawing the electoral districts' boundaries, and setting up the administrative machinery for the elections. The EU also trained election officials, provided election equipment, and educated the Palestinians on elections and the electoral process using these funds (EUROPEAN COMMISSION, 2000a, p. 27). Designated by the Oslo II agreement as the coordinator of all election observer activities for the first Palestinian presidential and

¹³⁰ Sarkozy's initial proposal was to include only the EU Mediterranean countries and their neighbors, not the EU as a whole, in an economic community along the lines of the early European Union, a plan that was changed due to German criticism to include all EU member states, not just those bordering the Mediterranean, and to build upon the existing Barcelona process. The Union of the Mediterranean was launched on July 13, 2008. See BENNHOLD, 2007; 2008; SCHMID, 2008.

legislative elections, the EU also created a European Union Electoral Unit in September 1995 to organize its own observation mission of 285 observers, committing 10 million ECU from the EC budget for the costs of observation operations, and to ensure ample coordination with the other international observers (COUNCIL, 1995b).

After the first Palestinian elections, from which Arafat emerged as the Palestinian President-elect with 81 percent of the vote, were held on January 20, 1996, the European Union Electoral Unit certified the overall democratic character of the electoral process in spite of some shortcomings such as restrictions for the press and police obstacles for voters as well as the intimidation of some candidates and voters (EUROPEAN COMMISSION, 2000a, p. 27). In line with the Electoral Unit's conclusions, the EU issued a declaration "welcom[ing] the fact that the electoral process itself was conducted in a generally peaceful atmosphere" and that the democratic process was not undermined by "potentially disruptive and divisive incidents" (COUNCIL PRESIDENCY, 1996). Nevertheless, it did "urge the Palestinian people to build on these elections to establish their democratic institutions and strengthen the rule of law and the respect for human rights" (COUNCIL PRESIDENCY, 1996). The EU also viewed the elections as a success in conferring democratic legitimacy to the PA and to Arafat as the Palestinian leader. Arafat's election to President or Chairman of the PA also provided him with the necessary democratic legitimacy to continue to pursue peace negotiations, underlining that the elections' successful conclusion was important for the peace process as a whole. Thus, by guaranteeing the democratic principles in and the correctness of the electoral proceedings, the EU was able to contribute to the peace talks themselves – albeit indirectly.

As the years progressed, democratic reforms were slow, and in light of the increasing disillusionment with Palestinian leadership and its governing practices as well as the total breakdown of the peace process the international community, especially the EU (and in particular France), began to push for new Palestinian elections, approaching the Palestinian leadership with the notion in early 2002 (SEITZ, 2003).¹³¹ In May 2002, at the behest of the EU and its calls for democratic reform, the PLC announced that presidential elections would be scheduled for early 2003 and that general and local elections were to be held within one year, plans that solidified when Arafat signed a decree de-

¹³¹ The EU also backed a declaration of Palestinian statehood (see SEITZ, 2003). Israel and the U.S., fed up with Arafat and suspecting that he was behind Palestinian terrorist attacks, also increasingly called for Palestinian reform, with Bush eventually calling "on the Palestinian people to elect new leaders – leaders not contaminated by terrorism" and also publicly supporting the prospect of a two-state solution to the conflict (BUSH, 2002).

termining that presidential and parliamentary elections would be held on January 20, 2003. Despite these plans, the elections were postponed in December 2002 with Arafat's cabinet citing the Israeli military occupation of cities in the West Bank as a hindrance to a free ballot. Moreover, IDF military activities and the Israeli restrictions on the Palestinians' freedom of movement made candidates unable to campaign. Under such conditions, elections were not feasible.

After the creation of the post of prime minister in April 2003, an act to satisfy the U.S. conditions for publishing the Roadmap to get the peace process back on track, reform efforts grew, but then quickly stagnated by late 2003 as Arafat regained the initiative, causing Prime Minister Abbas to resign. In his inaugural address, Abbas's successor, Ahmed Qurei, pledged to hold general elections by June 2004. Yet, a shift in the Palestinian political landscape – Hamas announced that it was considering participating in mainstream Palestinian politics – fed into the debate over holding new elections, leading these to be postponed once again and causing the PLC to suspend its activities in an attempt to force Arafat into agreeing to reforms and new elections (YOUNGS, 2006, p. 161). EU member states such as Great Britain, Germany, and the Netherlands, frustrated with Arafat's reluctance to implement reforms, renewed their efforts to push more explicitly for elections, hoping that elections would add impetus to the reform movement, and began to play an active role in preparing for elections, sending electoral monitoring teams to assist with the preparation for the electoral census. Arafat's death in early November 2004 changed the political context, and the Palestinians upheld the laws of the PA for determining Arafat's successor, scheduling elections for January 9, 2005.

The European Commission decided in late November 2004 to deploy an EOM to observe these elections, emphasizing that such an action is “a concrete expression of the EU's effort to support the development of democratic institutions and stability in the Palestinian Territories” (EUROPEAN COMMISSION, 2004c). EU support for new Palestinian elections had begun as early as 2003 with the EU allocating approximately € 14 million for election operations carried out by the Palestinian Elections Commission, voter registration, polling and counting, and voter information as well as for the EU EOM for the presidential elections. The largest EU election mission to date, the EOM was deployed in December 2004 under the leadership of former French Prime Minister Michel Rocard with a core team of 13 staff members, 40 long-term observers, 130 short-term observers, and an EP delegation of 30 MEP with 16 assistants. The EOM,

according to the Commission, was deployed to increase transparency and provide an independent and impartial assessment of the election process (EUROPEAN COMMISSION, 2004c).

After the election, from which Abbas emerged as the new President or Chairman of the PA, the EOM commended the PA's "genuine effort to conduct a regular electoral process" in spite of the occupation, continuing violence, and freedom of movement restrictions, factors that made a "truly free election [...] difficult to achieve" (EU EOM, 2005, p. 2). The EOM, however, did find deficiencies and problems with the elections, highlighting the "misuse of public resources in favor of one candidate", last minute changes for voting at special polling stations, the lack of voting facilities and clear procedures in East Jerusalem, unbalanced media coverage in favor of Abbas, the extension of voting times to bus more Fatah supporters to the polls, and public PA support of Abbas (EU EOM, 2005; YOUNGS, 2006). Despite such indicators of manipulation, the EU and its member states moved to increase support to the PA, a move criticized as retreating from the EU goal of "genuine democratization" for the sake of security (YOUNGS, 2006, p. 163).

The parliamentary elections, originally envisaged for 2000 and postponed a number of times during the intifada years, were scheduled for July 17, 2005, and viewed as an important step towards building democratic institutions. Once Hamas announced its decision to participate in these elections, Abbas postponed the parliamentary elections until January 2006 in an attempt to head off a strong Hamas showing. The EU was not initially critical of this postponement, having instead worked to draw up a new legal framework for the elections that was adopted in June 2005, to increase voter registration, and to strengthen the Palestinian Central Election Commission in an effort to prevent PA resources from being used to back Fatah candidates. Yet, after some debate, the EU pressed Abbas and the PA to hold the elections, urging them to "set as soon as possible a date for the organization of free and fair legislative elections" and stressing that the Hamas should have the opportunity to participate in democratic politics as well (EUROPEAN COUNCIL, 2005).

In mid-December 2005, the Commission deployed yet another EOM, comprised of 185 observers, under the lead of Véronique de Keyser, a member of the EP's foreign affairs committee, with the mandate to conduct a comprehensive assessment of the electoral process, including the legal framework, the political environment and campaign, electoral preparations, voting, vote counting, and the post-election period. The mission

commenced with the objective of “giv[ing] the Palestinian society a chance to hold meaningful and credible elections [and] provid[ing] democratic legitimacy to the Palestinian Parliament on the road to statehood” (COMMISSION, 2005c). Despite political events that created uncertainty to whether elections would proceed as scheduled and the instability and inter-factional violence that raised concerns over the feasibility of holding democratic elections, the elections proceeded as planned, and the EOM determined that they “reflected an open and fairly-contested electoral process” (EU EOM, 2006, p. 1). Overall, the EOM concluded that the legal framework for the elections was “an effective basis for the conduct of democratic elections” (p. 1); it did determine, however, that there was not a sufficient level of transparency in the electoral process and the CEC was not free from political interference. As in the presidential election of 2005, the EOM (2006) observed that the Israeli occupation and restrictions on the freedom of movement of candidates and voters “reduced the scope for genuinely free elections”, “undermine[d] the genuineness of a Palestinian electoral process and impede[d] the development of democratic Palestinian state institutions” (p. 2; p. 6). Nevertheless, the EU EOM was satisfied with the outcome of the electoral process, stressing that the result was widely accepted as legitimate by the Palestinian electorate.

As the January election date approached, EU commissioners and officials began to suggest the possibility of EU aid withdrawal from the PA in the event of a Hamas victory, if it did not renounce violence. Shortly after the election, the European officials began to question the rationality behind such threats, warning that withdrawing aid would “be tantamount to punishing President Mahmoud Abbas for the Hamas victory” (YOUNGS, 2006, p. 166). Thus, it appeared as if the EU had no coherent approach to dealing with a Hamas victory achieved in a democratic election, its participation in which the EU had advocated. In dealing with the Hamas refusal to accept the international conditions imposed upon it by bypassing the prime minister and the PLC and instead supporting the president, the EU strategy reverted back to supporting a leader whose ability to deliver democratic reform was increasingly questioned.

Overall, EU electoral support has assisted in creating the basic framework for democratic Palestinian elections and facilitating the election process in a democratic manner. The situation on the ground has made fully free and fair elections virtually impossible, and there have been numerous deficiencies in the Palestinian electoral process that the EU has pinpointed and subsequently aimed to reform. The recommendations by the EOMs on how to improve the electoral process have assisted in helping the EU and the

Palestinians prioritize the Palestinian reform agenda with respect to establishment of a democratic electoral system and governing institutions, reforms that the EU will surely continue to support in its effort to facilitate the creation of viable democratic institutions for the future Palestinian state.

2. Union Foreign Policy Tools

Although the brunt of European policy towards the Arab-Israeli conflict is implemented by Community foreign policy tools, over the years the EU has increasingly utilized its political foreign policy tools, these being CFSP instruments aimed at formalized member state foreign policy coordination such as joint actions, common positions, and common strategies, declarations and demarches, political dialogue, sanctions, the EUSR, and missions within the ESDP framework. Most of the Union foreign policy tools are not as visible as Community tools; yet, they have contributed to the changing European role in the conflict as well, particularly allowing the EU to become engaged in different aspects and providing support for the development of a more active political role vis-à-vis the conflict and the peace process. An examination of these tools follows below.

2.1 CFSP Instruments

The new CFSP instruments created since Maastricht, specifically joint actions, common positions, and common strategies, have been utilized with respect to the Arab-Israeli conflict. Joint actions, i.e. concrete measures of operational action, have been used quite frequently with respect to the conflict – since 1993 the Council has decided on 25 (see Appendix 1, p. 313). The first joint action concluded by the Council with respect to the Middle East was its 1994 joint action in support of the Middle East peace process, in which the member states outlined their intention to provide development assistance to the Palestinians, to contribute to the creation of a Palestinian Police Force, to assist in the preparation and observation of Palestinian elections, and to participate in a temporary international presence in the Occupied Territories if requested (COUNCIL, 1994a). With the exception of the latter, these plans were eventually implemented by the EC: It created an assistance program for the Palestinians in 1994 (see COUNCIL, 1994b) and provided 10 million ECU for the creation of a Palestinian police force as well as 10 million ECU for Palestinian elections (see COUNCIL, 1995a; COUNCIL, 1995b). The majority of joint actions concluded with respect to the Arab-Israeli conflict

are on the appointment, extension, or amendment of the EUSR (or special envoy) to the Middle East peace process and his mandate, an action the Council first deemed necessary in 1996 in order to enhance the profile of the EU in the region and to add a political dimension to the EU's role in the peace process. In recent years, joint actions on ESDP operations have been concluded: In November 2005 the Council agreed to establish a police mission for the Palestinian territories and a border assistance mission in Rafah (see COUNCIL, 2005c; COUNCIL, 2005d).

Common positions are used less frequently; only eight have been decided upon since 1993. The majority of these common positions are on the temporary reception of certain Palestinians by EU member states (see Appendix 2, p. 315). The original common position on the reception of certain Palestinians came into being after the EU helped end the crisis surrounding the 38-day siege of the Church of the Nativity in Bethlehem, in which Palestinian terrorists had barricaded themselves in the church in an attempt to seek refuge from the IDF during its Operation Defensive Shield in April 2002. In the negotiated deal between Israel and the PA that peacefully ended the siege, the EU offered to receive thirteen of the Palestinian militants on a humanitarian basis. In order to ensure that these Palestinians received comparable treatment, the member states adopted a common position on their temporary reception, emphasizing the duration of the Palestinian's stay, security measures, the exchange of information between the member states granting refuge (COUNCIL, 2002a). Two other common positions in this time period introduced restrictive measures to be implemented against Lebanon and Syria (see 2.4 of this chapter).

In order to signal to its Mediterranean partner countries of the region the priority the EU placed upon them, the European Council passed a Common Strategy on the Mediterranean in June 2000 to strengthen its Mediterranean dimension.¹³² Intended as a clear expression of the EU's desire to pursue a coherent policy towards the region, the common strategy attempted to establish a more general framework for Mediterranean policy and to build on the strengths of the EMP. In this document, the member states also outlined their objectives vis-à-vis the Middle East peace process: these being the promotion of conditions to help the parties implement agreements concluded amongst themselves, the development of normal relations and regional cooperation in the region, and contributing to the consolidation of peace in the region (EUROPEAN COUNCIL, 2000). In this respect, the common strategy aimed to redefine the EU's role as a promo-

¹³² Originally scheduled to expire in 2004, the Common Strategy on the Mediterranean was extended until January 23, 2006 (see EUROPEAN COUNCIL, 2004d).

ter of peace and as a key player in the peace process, explicitly acknowledging the linkage between the Barcelona Process and the Middle East peace process for the first time. Yet, much of the strategy “does not read as a ‘strategy’ at all”; instead, it “reads as a list of desired ‘end-goals’, or a “shopping list” rather than a substantive definition of the EU’s strategic interests in the region” (SPENCER, 2001, p. 48). Furthermore, there are no concrete measures outlined in the strategy that address its priorities - and this in a document during a time when the credibility of European policy in the Mediterranean was at stake due to the stagnation of the EMP and the Middle East peace process. One reason for this is because the common strategy plays an internal function in clarifying the common interests of the member states, and a main discussion point in the negotiations was to what extent the peace process should be covered in the strategy at all (SPENCER, 2001, p. 43). While France advocated including detailed provisions in the strategy, Great Britain preferred to refer to existing positions. In the end, it was agreed that the common strategy was to cover “the EU’s contribution to the consolidation of peace in the Middle East *once a comprehensive peace settlement has been achieved*” (EUROPEAN COUNCIL, 2000, emphasis added), an exclusion that reduces the overall value of the common strategy. In this respect, the strategy has “not helped the EU play a more active role in the [Middle East peace process], which, after all, is its main goal in the Middle East” (MEDINA ABELLÁN, 2004, p. 289).

The limited variety of topics covered by the joint actions, common positions, and the common strategy with respect to the Arab-Israeli conflict in this time period demonstrates the fact that the member states are still divided on how much foreign policy competence they will relinquish to the EU in this matter. Due to the explosive and contentious nature of the issue at hand, they have not been willing to take this step so far. The fact that the conflict remains unresolved is a major factor with respect to member state willingness to further engage the EU in such a volatile region and situation. Also, the member states prefer to retain their national scope of action on this topic. In fact, the provisions of the common strategy practically eliminated the participation right of the Commission and weakened the supranational dimension of the EU’s Mediterranean policy while simultaneously strengthening the intergovernmental side, “leav[ing] ample room for Member States with specific national positions and interests – such as France – to pursue these without formally violating the content of the Strategy” (SPENCER, 2001, p. 47). Moreover, with respect to activities concerning the Middle East peace process, the member states decided not to utilize QMV for joint actions on the basis of

the strategy as long as no comprehensive settlement is reached in the Arab-Israeli conflict, and overall no joint actions have been concluded on the basis of the common strategy, demonstrating that the member states do not want to implement policies on these issues on a less than unified basis.

2.2 Declarations and Demarches

As a way to express its position on issues concerning the Arab-Israeli conflict to the parties involved and to the international community, the EU issues declarations and demarches (whereby the latter is directed directly to the conflicting parties). In such statements, the EU has made its position on the conflict clear, a position that has not changed much in essence since the Venice Declaration of June 1980 with its support of the right of all states in the region to security and to exist within secure, recognized, and guaranteed borders as well as the recognition of the Palestinians' legitimate rights and right to self-determination (EUROPEAN COUNCIL, 1980). EU declarations and demarches on the conflict address a wide variety of issues, ranging from topics such as the strong and unequivocal condemnation of violence and terrorism as well as the Israeli occupation and settlements, the overall situation in the Middle East, the peace process, the support of negotiation efforts, etc., in declarations to topics such as the respect for human rights and democracy, humanitarian actions, UN peace missions and election monitoring, the non-proliferation of biological and chemical arms, etc., in demarches. Most common are declarations calling for a lasting and comprehensive settlement to the conflict. In most recent years, particularly during the intifada, the EU has repeatedly issued declarations condemning the Israeli occupation and settlement policy (and the erection of a security fence) as well as both Israeli violence and Palestinian terrorism. Common topics of demarches have been human rights issues (i.e. death penalty, torture) and Israeli policies in the West Bank and Gaza Strip. The frequency with which the EU issues declarations and demarches varies (see Figure 4, p. 243). Until 1996, declarations and demarches were quite sporadic and largely limited to reacting to outside events; however, once the peace process began to falter, the EU began issuing more declarations and demarches, the pinnacle of which was reached during the most violent years of the Al-Asqa Intifada in reaction to the continued violence and occupation. Even though the number of declarations and demarches has generally followed an upwards trend, they are still very reactionary, as demonstrated by the sheer number of dec-

larations and demarches issued in response to the crisis in the Middle East during the formative years of the intifada.

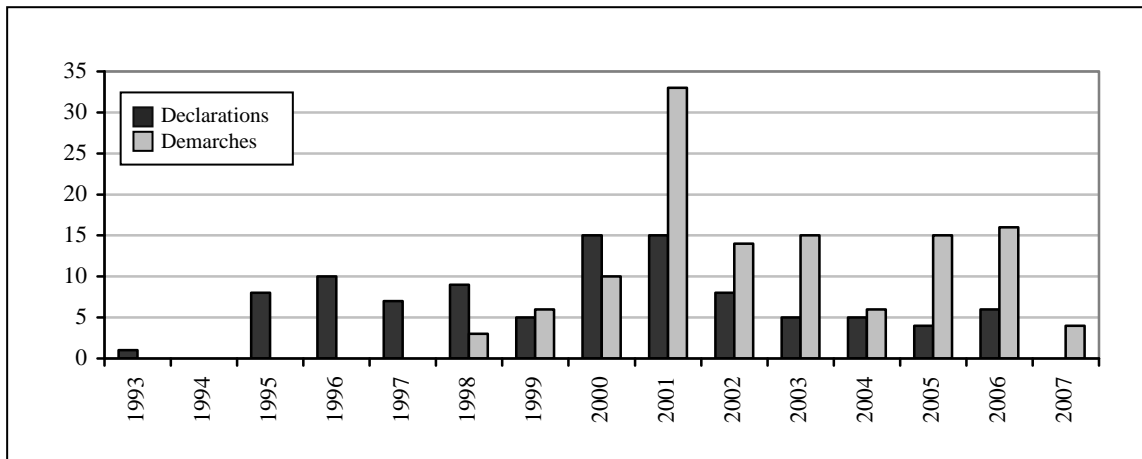


Figure 4 Number of Declarations and Demarches on the Arab-Israeli Conflict, 1993-2007 (Source: see Appendix 3 and 4, pp.316-325)¹³³

Some EU declarations have made their mark on the search for a settlement to the Arab-Israeli conflict and are viewed as milestones in the peace process: the Venice Declaration of June 1980, the Berlin Declaration of March 1999, and the Seville Declaration of June 2002. While Venice was very innovative at the time in its support of the Palestinian right to self-determination, by Oslo this principle had become an important part and staple of the peace process. As early as the summer of 1997, the EU began to expand this position and gradually advocate a two-state solution to the Arab-Israeli conflict with the European Council calling on Israel “to recognise the right of the Palestinians to exercise self-determination, without excluding the option of a State”, the creation of which was considered “the best guarantee of Israel’s security (EUROPEAN COUNCIL, 1997). EU support for the establishment of a Palestinian state on the basis of existing agreements and through negotiations was underscored in the Berlin Declaration of March 1999, in which the EU declared “its readiness to consider the recognition of a Palestinian State in due course”, the most explicit EU declaration on Palestinian statehood to date (EUROPEAN COUNCIL, 1999a). In the Seville Declaration of June 2002, the EU then highlighted its desired outcome with respect to a conflict settlement, stressing that a only negotiations with aim of “end[ing] [...] the occupation and the early establishment of a democratic, viable, peaceful and sovereign State of Palestine, on the basis of the 1967 borders,” can lead to a settlement (EUROPEAN COUNCIL,

¹³³ Data on demarches is only available from 1998 onwards, since the Council started to publish its annual reports on the activities of the CFSP beginning in this year.

2002b). The European Council also emphasized its wish that the final result of negotiations “should be two States living side by side with secure and recognized borders” in this declaration, a stance that was incorporated into the Quartet’s Roadmap for Peace in 2003 (EUROPEAN COUNCIL, 2002b). Thus, in remaining firm in its support of the Palestinian’s right of self-determination and reiterating this numerous times, the EU’s stance eventually led to the international acceptance of the prospect of a Palestinian state as part of the solution to the Arab-Israeli conflict.

Despite the EU’s unchanged and steadfast position towards the Arab-Israeli conflict expressed in numerous declarations on the situation in the Middle East, the EU has often been criticized as having a declaratory policy and as failing to underscore its declarations with concrete policy action (ASSEBURG, 2003b; AOUN, 2003). More often than not, European declarations, although extremely critical at times, have not been followed up with European instruments of political and economic influence in order to change the behavior of those it is criticizing. A number of examples demonstrate that European declarations have been without consequences for the conflicting parties. Especially with respect to Israel, the EU has issued very harsh criticism, but has not exercised conditionality, giving Israel little incentive to modify its behavior in line with EU rhetorical wishes and demands. For example, although the EU has continually emphasized the illegality of the Israeli settlement and occupation policy, European politicians gave in to Israeli pressure and no longer meet with their Palestinian counterparts and colleagues in the Orient House in East Jerusalem. Until 1996, EU representatives had regularly visited the Orient House, the office of a member of the PLO committee on Jerusalem in order to show their support for the Palestinians and in an attempt to undermine Israeli claims over East Jerusalem. Instead of meeting Palestinian representatives in the Orient House, they now meet with their counterparts at other locations in East Jerusalem (GINSBERG, 2001, pp. 129-130). Similarly, after Israel boycotted EUSR Marc Otte and other EU representatives in the summer of 2003, because they had met with Arafat, the EU did not respond until November 2003 by stating that this ban “is not in line with the spirit” of deepened and strengthened political dialogue and highlighting that such a ban may have a negative impact on future political dialogue, only rhetorically chastising Israel (EUROPEAN UNION, 2003, p. 2); Israel did however partially lift this ban after an EU-Israel Association Council meeting, by agreeing to allow contact between Otte and Israeli officials but not with other EU representatives who continued to meet with Arafat. Furthermore, although the EU made its support for

Israel's Gaza disengagement in August 2005 conditional, it did not once respond to Israel's failure to abide by the terms the EU foreign ministers had outlined in February 2004. Moreover, despite the EU's repeated calls on Israel to refrain from violence towards the Palestinians, a collective decision to discontinue arms deliveries has not been made at the European level nor even discussed. With respect to the Palestinians, although the EU has repeatedly condemned Palestinian acts of terrorism, many argue that the EU did not demand a clear dissociation from armed struggle and terrorism by the PA early enough and did not place conditions on its financial assistance to the PA soon enough in its attempts to quell Palestinian violence (ASSEBURG, 2003a, p. 25; TOCCI, 2007).

The reason that the EU has not been able to back up its positions, declarations, and demarches with common action is because the EU does not have a common foreign policy. While the EU has exclusive competence in foreign economic policy, it does not have legal competence within the CFSP. The member states, which are represented by the EU Presidency, retain their sovereignty in foreign policy issues. Thus, Union foreign policy is simply a coordinated foreign policy between the member states. Because member state approaches to the Arab-Israeli conflict often differ, it becomes difficult to collectively implement and effectively back up common positions and declarations. The Common Strategy for the Mediterranean from June 2000 demonstrates how little the member states are interested in discounting their national interests, priorities, and positions. Moreover, in order to promote the fact that the EU has a unified position on issues concerning the Arab-Israeli conflict, the member states must also follow the EU line in international forums such as the UN, where member states have been known for voting not in a unified fashion: Especially Germany has abstained from voting on General Assembly resolutions that the other EU member states have supported (PERTHES, 1999; ASSEBURG, 2001).

2.3 Political Dialogue

In addition to the frequent visits and meetings between the SG/HR and the EUSR, on the one hand, and the conflicting parties, on the other hand, as well as dialogue in the context of high-level visits by the Presidency and/or Troika and various Commissioners, exchange of information and engagement of political dialogue between the EU and the Israelis and the Palestinians has been institutionalized in the context of the Euro-Mediterranean Partnership, providing for both multilateral and bilateral political dialo-

gue, the latter of which has been intensified with the introduction of the ENP. The multilateral political dialogue is pursued within the institutions created by the Barcelona Declarations: the Euro-Mediterranean Conference of Foreign Ministers (as well as sector-specific meetings), mid-term meetings at the ministerial level, and the Euro-Mediterranean Committee convening at the level of senior officials. Bilateral political dialogue between the EU and Israel is embarked upon in the Association Council and the Association Committee as well as at the ministerial, senior officials, and expert level. The EU-PA bilateral dialogue takes place in the EC-PLO Joint Committee and at the ministerial and senior official level.

Within the EMP framework, multilateral political dialogue is anchored in the political and security partnership provisions of the Barcelona Declaration. Institutions fostering the political dialogue in this framework were also established by the declaration: Euro-Med conferences generally convene every other year (between 1995 and mid-2007 eight have been held) and are prepared by the Euro-Med Committee that holds meetings up to ten times a year (although this is generally not the case). The political dialogue set up by the EMP serves to develop common perceptions in the areas of democracy and respect for human rights. The initial areas of dialogue were agreed upon at the first meeting of the partners in May 1996: preventative diplomacy, confidence- and security-building measures, the partners' participation in international human rights conventions, strengthening democracy, and the fight against terrorism, organized crime, and drug trafficking – the former three being specified as priorities (BALFOUR, 2004, p. 13). By 1999, the ministers felt that the political dialogue aimed creating stability in the Mediterranean region required “a comprehensive and balanced approach in order to address common security concerns, strengthen cooperation and adopt measures conducive to stability” and declared that a Charter for Peace and Stability in the Euro-Mediterranean Region, the drafting of which was approved in at the Euro-Med Conference in Malta in 1997, was the best framework for “an enhanced political dialogue” aimed at “prevent[ing] tensions and crises and [...] maintain[ing] peace and stability by means of cooperative security” (CHAIRMAN'S CONCLUSIONS, 1999). After five years of dialogue within this framework, the foreign ministers of the EMP determined at their Euro-Med Conference in Marseilles in November 2000 that little had been attained in spite of the political dialogue's importance to the Barcelona Process and “agreed to defer adoption of the Charter owing to the political context” (i.e. the outbreak of the second intifada), acknowledging at the same time that the preparation of Charter “had

provided the opportunity for a useful deepening of the political dialogue” (PRESIDENCY CONCLUSIONS, 2000).

Despite the Charter’s downfall (at least until the political circumstances would permit the adoption of such a document, which has not yet occurred), the ministers expressed their desire to expand dialogue to other topics such as regional trends regarding security, disarmament, the process of consolidating the rule of law, and respect for human rights and democratic principles as well as the study of measures of importance to the common security in the Mediterranean region. In this context, the ministers adopted an action plan at their conference in Valencia in April 2002 outlining areas that the political dialogue should focus on: dialogue on political and security matters, including on ESDP; the enhancement of stability and reinforcement of democratic institutions; conflict prevention, crisis management, and the causes of instability; and EU enlargement developments (VALENCIA ACTION PLAN, 2002). The subsequent conference in Naples in 2003 opened the door for dialogue on ESDP, welcoming the launching of dialogue and cooperation,” a development that was to help reinvigorate the political and security dialogue that had been overshadowed by the events in the Middle East (PRESIDENCY CONCLUSIONS, 2003c). Indeed, in the newest work program adopted at the Barcelona Summit, the partners agreed to “develop and deepen dialogue on ESDP and security issues with a view to strengthening co-operation, on a voluntary basis in conflict prevention, partnership building measures and crisis management activities, and also on civil protection and natural disaster prevention” (EURO-MEDITERRANEAN SUMMIT, 2005b).

The political dialogue within EMP, although developing little by little, is negatively affected by the situation in the Arab-Israeli conflict. Furthermore, the institutional crises in the EU in recent years (i.e. the French and Dutch rejection of the Constitutional Treaty) cast “doubts on the ability of the EU member states to proceed with ambitious foreign policy projects”, hindering the deepening of Euro-Mediterranean dialogue as well (ORTEGA, 2005, p. 26). Attempts to reinvigorate the EMP in general and the political and security dialogue in particular have not been all too successful: The Barcelona Summit celebrating the EMP’s 10 year anniversary was hardly the summit of heads of state and government envisioned by the EU to reinvigorate the process as a whole and was rather disappointing. In fact, the implementation of ENP and the renewed focus on bilateralism may also decrease the chances of enhanced multilateral dialogue

within the EMP, as the partners may prefer to pursue political and security dialogue without their counterparts in the Mediterranean.

Based on the chapter on political dialogue in the EU's Euro-Mediterranean Association Agreement with Israel, institutionalized bilateral political dialogue began in 2000 and takes place within the EU-Israel Association Council and Association Committee as well as on the level of ministers, senior officials, and experts. The aim of the institutionalized political dialogue established by the association agreement was to "develop better mutual understanding and an increasing convergence of positions on international issues [...], enable each Party to consider the position and interests of the other, [and] enhance regional security and stability" by covering subjects of common interest (Art. 3, EURO-MEDITERRANEAN ASSOCIATION AGREEMENT, 2000). As such, EU-Israeli dialogue covers a range of topics such as the Middle East peace process, human rights in Israel, the fight against terrorism, the situation in the Middle East, Iraq, Iran, the Barcelona Process, the rules of origin issue (before it was settled in late 2004), non-proliferation, further cooperation on political issues, and the prospects and conditions of ENP implementation. The focus of political dialogue has been, however, the Middle East peace process and the situation in the region with respect to Europe's desired role. The EU uses the political dialogue to specifically express its concerns with respect to Israeli policies that are inconsistent with international law (i.e. settlement activities, extra-judicial killings, and the destruction of Palestinian homes), Israeli military activities directed at the Palestinians, and the implementation of the Roadmap. While EU-Israeli relations reached a low point during the intifada, political dialogue was continuous at the ministerial level and in the Association Council and Committee; nevertheless, observers stressed the need for dialogue "beyond the discussion of potential European contributions to the peace process and the exploration of new areas of technical cooperation" to the aspects and issues that continued to divide the EU and Israel (DACHS & PETERS, 2004, p. 13).

The ENP Action Plan for Israel, agreed upon in April 2005, marked a new stage in the development of EU-Israeli relations, in which they agreed to deepen and intensify their dialogue and cooperation in a number of areas, expanding it to "issues such as facilitating efforts to resolve the Middle East conflict, strengthening the fight against terrorism and proliferation of Weapons of Mass Destruction, promoting the protection of human rights, improving the dialogue between cultures and religions, co-operating in the fight against anti-Semitism, racism and xenophobia" (EU/ISRAEL ACTION PLAN, 2005, p.

3). The complexity of the bilateral political dialogue agenda thus led the EU-Israeli Association Council to create a subcommittee on political dialogue and cooperation in August 2005 (EU-ISRAEL ASSOCIATION COUNCIL, 2005). This sub-committee agreed to intensify dialogue on a case-by-case basis, resulting in expert meetings in 2006 on terrorist financing, cooperation with international organizations, human rights, and the fight against racism, xenophobia, and anti-Semitism (see GENERAL SECRETARIAT, 2007b, p. 96). Political dialogue has continued at this pace, with Israel expressing interest in “significantly upgrading” relations with the EU in March 2007 and the organization of an EU-Israeli Reflection Group to explore options in this regard (see GENERAL SECRETARIAT, 2008b, p. 49).¹³⁴

Political dialogue between the EU and the Palestinian Authority, although not provided for in the Interim Association Agreement, was established within its framework in a joint statement on February 24, 1997, in conjunction with the signing the Interim Association Agreement. Meeting at the ministerial level and at the level of senior officials, the political dialogue was established to strengthen the relations between the EU and the PA and aimed to develop “mutual understanding and regular coordination on issues of common interest and in particular on those issues likely to have substantial effects on one or other party” as well as “to consider the position and interests” of each party in their quest to enhance stability and security in the Middle East and in the Mediterranean region (JOINT STATEMENT, 1997). Issues of common interest were recognized to be “the conditions required to ensure peace, security, regional development, democracy and respect for human rights in the Mediterranean” (JOINT STATEMENT, 1997). The ENP Action Plan expands political dialogue to issues such as “strengthening the fight against terrorism and incitement to violence, promoting the protection of human rights and the rights of minorities, improving the dialogue between cultures and religions, cooperating in the fight against racism and xenophobia, in particular anti-Semitism and Islamophobia” (EU/PA ACTION PLAN, 2005, p. 3). Progress in the EU’s political dialogue with the Palestinians has remained difficult, with official meetings being stalled between 2000 and 2003 (see PRESIDENCY PRESS RELEASE, 2003). Meetings at the ministerial level were held once a year from 2003 to 2006, with the most significant and constructive dialogue taking place in the framework of Israeli disen-

¹³⁴ This wish has culminated in the EU-Israel Association Council’s decision in June 2008 to upgrade relations by increasing diplomatic cooperation, allowing Israeli participation in European plans and agencies, and by examining the possibility of Israel’s integration into the European single market (see EUROPEAN UNION, 2008; ISRAEL MINISTRY OF FOREIGN AFFAIRS, 2008).

agement from the Gaza Strip in 2005 and on the presidential, local, and legislative elections in the Palestinian territory in 2005 and 2006 (EC TECHNICAL OFFICE, 2008). After the election of the Hamas to the PLC and the formation of a Hama-led government, contacts between the EU and this government were severed; however, the EU continued its political dialogue with Palestinian President Abbas. Yet, due to the humanitarian and socio-economic situation in the Palestinian territories, political dialogue was waylaid in favor of discussions on remedying the deteriorating humanitarian situation. Contact to select PA ministers, especially to the Minister of Finance Salam Fayed, resumed after the formation of the National Unity Government in March 2007, and after the violent takeover of Gaza by Hamas in June 2007 and the formation of a new Palestinian government in the West Bank under President Abbas and Prime Minister Fayed the EU continued its dialogue with Abbas and Fayed, while shunning contact with the Hamas government in Gaza.

2.4 Sanctions

The use of restrictive measures (sanctions) occurs very rarely in the context of European policy vis-à-vis the Arab-Israeli conflict. The EU prefers a strategy of constructive engagement with the immediate parties to the conflict instead of severing ties to convince its counterparts to modify their behavior. Moreover, the EU member states tend to view the adoption of economic sanctions, these being the most influential of EU restrictive measures, as an ineffective method to fight human rights violations; the continuation of economic cooperation and political dialogue is regarded as simply more productive. Although the use of sanctions in EU policies towards other regions, conflicts, and states has increased over time, the EU still refrains from such action in the context of the Arab-Israeli conflict, this being reflected in the few cases in which restrictive measures have been implemented.

Since the introduction of the Maastricht, the EU has imposed sanctions against terrorist groups relevant to the conflict, against persons involved in the assassination of Lebanese Prime Minister Hariri, and against Lebanon.¹³⁵ These measures included the freezing of funds and economic resources of certain persons, groups, and entities; banning the provision of financial services; and a ban on the sale, supply, transfer or export of

¹³⁵ The EU lifted partial trade sanctions against and an embargo on arms sales to Syria in November 1994. These had been imposed in 1986 in the context of apparent Syrian involvement in the planting of a bomb on an El Al flight to London in April 1986 (KREUTZ, 2005, pp. 25-26). Despite tense relations in recent years, the EU has refrained from imposing economic sanctions on Syria, resisting U.S. pressure and opting for limited political contact and low-level meetings with Syrian officials (KABALAN, 2008).

arms. In December 2001 the Council adopted a common position on the application of specific measures to combat terrorism, adopting a list of persons, groups, and entities involved in terrorism and ordering the EC to freeze the funds, financial assets, and economic resources of the terrorists identified in the terrorist list (COUNCIL, 2001c). Groups on this terrorist list relevant to the conflict included Hamas-Izz al-Din al-Qassem, the terrorist wing of Hamas, and the Palestinian Islamic Jihad. The Council subsequently adopted an EC Regulation in accordance with this common position in December 2001, outlining and implementing the restrictive measures called for within the CFSP framework (COUNCIL, 2001d). In 2003, this common position was amended to include the al-Aqsa Martyr's Brigade, the Palestine Liberation Front, the Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine (PFLP), the Popular Front for the Liberation of Palestine-General Command, and the Hamas as a group (including Hamas-Izz al-Din al-Qassem) (COUNCIL, 2003c). The inclusion of the Hamas in the EU's terrorist list impacts overall EU policy and contacts in light of the Hamas-led PA government. Although there was no official common position or Council regulation restricting the provision of financial assistance to the Hamas-led PA, the 'ban' on financial aid beginning in March 2006 can be seen in this context as well as being considered an informal restriction. With respect to other actions imposing restrictive measures, in December 2005 the Council adopted a common position on restrictive measures, freezing the funds and economic resources of persons suspected of involvement in the assassination of former Lebanese Prime Minister Hariri – Syrian nationals are particularly suspected of playing a role in the terrorist attack that led to Hariri's death – in accordance with UN Security Council Resolution 1636; this common position is implemented by a 2006 Council regulation within the EC framework (COUNCIL, 2005e; COUNCIL, 2006b). In September 2006 the EU imposed on persons and entities in Lebanon an arms embargo and sanctions regarding the provision of technical and financial assistance for military activities in accordance with UN Security Resolution 1701 in an effort to assist the government of Lebanon in exercising full sovereignty over Lebanese territory (COUNCIL, 2006g; COUNCIL, 2006h). Arms sales and the provision of services can only continue with the authorization of the Lebanese government or the UNIFIL mission. This common position is implemented by a Community regulation as well (COUNCIL, 2006h).

Calls for EU sanctions against Israel have been repeatedly heard throughout the years. After the beginning of the al-Asqa Intifada, these calls became stronger, reaching their

pinnacle in a EP resolution – albeit a non-binding resolution – calling in light of Israeli reoccupation of the West Bank and continued Israeli human rights violations against Palestinians on the Council and the Commission to suspend the EU-Israel Euro-Mediterranean Association Agreement, an action that would have severed trade relations with Israel (EUROPEAN PARLIAMENT, 2002). A few days before this resolution was passed, the Spanish Foreign Minister, Josep Piqué, (Spain held the Presidency during the first half of 2002), hinted on April 7, 2002, that the EU might impose sanctions against Israel in order to achieve a ceasefire with respect to the Israeli offensive, admitting at the same time that a consensus on sanctions against Israel would be difficult to obtain (Spanish EU Presidency, 2002). With respect to member state positions on imposing sanctions against Israel, Germany and Great Britain do not support such actions and advocate the continuation of dialogue with Israel to induce new efforts toward peace. Although restrictive measures have not been imposed by the EU, member states have acted against Israel, most prominently in response to the Israeli offensive in the spring of 2002: Germany suspended arms sales to Israel in April 2002, refusing, however, to use the ‘embargo’ to describe the action, and Belgium did the same in attempt to prevent such arms from being used against the Palestinians (SHUMAN, 2002). In general, the EU believes that maintaining relations with Israel is “an important contribution to the Middle East peace process” and that sanctions would not make Israel any more responsive to EU concerns, making open and unhindered channels of communication with Israel of utmost importance to European policy in the region (EUROPEAN COMMISSION, 2002).

2.5 Sending Special Representatives

The appointment of Miguel Moratinos as the EU’s special representative¹³⁶ to the Middle East peace process in November 1996 was one of the first instances in which the member states utilized the possibility of appointing a EUSR to enhance European policy towards policy priorities. Advocated heavily by France, who wanted the EU to have political presence in the Middle East that was commensurate with its economic role, the appointment of a EUSR for the Middle East peace process was first proposed in October 1996. French efforts to enhance the EU’s role in the region through the appointment of an EU representative culminated in the Council’s Joint Action of November 25, 1995, after much discussion over the EUSR’s mandate and the ideal candidate for the

¹³⁶ Although at the time of the appointment this post was referred to as the special envoy, the term special representative, in use since 1999, will be used in this study for the sake of coherency.

position. Member states that supported an enhanced political profile for the EU in the region, such as France, pushed for a broad mandate that would give the future envoy a significant role in the region and argued that a “political heavyweight” with ample diplomatic and political experience such as Felipe Gonzales, Spain’s former prime minister, or Jacques Delors, the former president of the Commission, would be the best fit for the role the proponents of an active political role for the EU envisioned for the EUSR (DIETL, 2005, p. 103). Member states like Germany and Great Britain, however, were hesitant to give the envoy a significant role, warning against competing with U.S. efforts, and preferred to appoint a “political newcomer” as a way of ensuring that the EUSR would play a more moderate, limited role that would not interfere with the U.S. role in the peace process (DIETL, 2005, p. 104). Moratinos, the former Spanish ambassador to Israel, proved to be the “ideal compromise” for the position as the member states appointed an envoy with abundant experience with respect to the Middle East peace process but simultaneously rejected with this decision the appointment of a high-ranking politician who would demand a larger role.

The compromise the member states made in appointing a EUSR is also reflected in Moratinos’s initial mandate. The broad, but vague mandate, which leaves much to interpretation, added a political dimension to the EU’s economic role in the peace process. Specifically, the special envoy was

- “to establish and maintain close contact with all parties to the peace process, other countries of the region, the United States and other interested countries, as well as relevant international organizations, in order to work with them in strengthening the peace process,
- to observe peace negotiations between the parties, and to be ready to offer the European Union’s advice and good offices should the parties request this,
- to contribute where requested to the implementation of international agreements reached between parties, and to engage with them diplomatically in the event of non-compliance [...],
- to engage constructively with signatories to agreements within the framework of the peace process in order to promote compliance with the basic norms of democracy, including respect for human rights and the rule of law,
- to report to the Council’s bodies on the possibilities for European intervention in the peace process, and on the best way of pursuing European Union initiatives [...] including the political aspects of relevant European Union development projects,
- to monitor actions by either side which might prejudice the outcome of the permanent status negotiations” (COUNCIL, 1996d).

Two main tasks for the envoy emerged from this mandate: representing the EU and providing input into the EU policy-making process. As far as an active role in the peace process was concerned, this first version of the joint action appointing a EUSR limited the envoy’s role more or less to an observing role, restraining his potential of claiming

an active political role (DIETL, 2005, p. 104). Moratinos's mandate was gradually expanded with each extension of the 1996 joint action, and the subsequent repeals of and amendments to the joint action added tasks such as developing joint cooperation on security issues within the EU-Palestinian Permanent Security Committee, contributing to a better understanding of the EU's role among regional leaders, providing an active and efficient EU contribution to initiatives leading towards a final settlement of the region's conflicts (i.e. Israeli-Palestinian, Israeli-Syrian, Israeli-Lebanese), and paying attention to factors that affect the regional dimension of the conflict.¹³⁷ Nonetheless, the EUSR did not have the scope or freedom to act and initiate policies in the name of the member states, thus preventing him from developing an even more proactive and effective role in the peace process. The restrictiveness of the mandate was "an indication of a lack of will on the part of the member states to give [the EUSR] a significant voice in the Middle East Peace Process" (AMBOS & VON BEHR, 2004, p. 309).

Despite his limited mandate, Moratinos embarked on enhancing the EU's role in the peace process and became "very engaged in sustained diplomatic activity on the ground and across the Union" (GREVI, 2007b, p. 134). Early in his mandate, Moratinos was able to prove himself as an asset to European foreign policy in the Middle East. Shortly after assuming the position of special envoy, Moratinos contributed immensely to U.S. mediation efforts in the negotiations preceding the Hebron Protocol of January 15, 1997. Moratinos is credited with defusing the tense negotiating atmosphere and helping the Israelis and Palestinians bridge the gap between their positions by "pushing Arafat to take more action against terrorism while also insisting to Israel on the reopening of a political perspective" (DIETL, 2005, p. 142). The EUSR also participated in other important peace negotiations such as the Wye River Memorandum of 1998, the Sharm el-Sheikh agreements of 1999 and 2000, and Taba in 2001, supported cease-fire talks and plans, and continuously engaged in shuttle diplomacy with the aim of stabilizing the peace process and deescalating crisis situations (see DIETL, 2005). He also maintained a channel of communication between Israel and Syria during periods in which no negotiations were taking place and the U.S. had suspended their mediation efforts. Moreover, Moratinos also embarked on "a number of small-scale initiatives aimed at building

¹³⁷ Decisions and joint actions amending and expanding Morantino's mandate include Council decision 97/475/CFSP of 22 July 1997, Council decision 98/608/CFSP of 26 October 1998, Council joint action 99/664/CFSP of 11 October 1999, Council joint action 1999/843/CFSP of 17 December 1999, Council joint action 2000/794/CFSP of 14 December 2000, Council joint action 2001/800/CFSP of 19 November 2001, Council joint action 2002/965/CFSP of 10 December 2002, and Council joint action 2003/445/CFSP of 16 June 2003.

confidence between the parties and identified several areas in which the EU might contribute to final status negotiations”, including issues such as water and refugees (AMBOS & VON BEHR, 2004, p. 308). The special envoy spent much effort in easing contact between the conflicting parties by creating new structures of interaction and fostering dialogue and institutionalized cooperation. In doing so, Moratinos attempted to “facilitate meetings between the conflicting parties on the ground, arrange meetings within the framework of European institutions, and to commit the conflicting parties to behavior based on dialogue and cooperation” (DIETL, 2005, p. 148). A significant achievement was the creation of the Israeli-Palestinian Dialogue in 1997, an effort that resulted in enhanced contacts between the parties and confidence-building measures (GREVI, 2007b, p. 134). In an attempt to improve the difficult EU-Israeli relations, Moratinos established an EU-Israeli-Dialogue, in which experts from Israel and the EU regularly meet in five different working groups (passage of goods and peoples, labor issues, financial and fiscal issues, Gaza Port, and long-term economic development) to discuss the obstacles to economic development in the Palestinian territories and ways to overcome these (PETERS, 2000, p. 161).

The presence of a EUSR made European policy more visible to regional and extra-regional actors, giving the CFSP a “concrete form” in the Middle East (DIETL, 2005, p. 12). Most importantly, Moratinos established the position of special envoy “as a permanent fixture of the EU and an indispensable institution of European foreign policy in the Middle East conflict” (DIETL, 2005, p. 12). His continued engagement marks the beginning of the EU’s conflict management efforts in the Middle East. This role, however, changed slightly after the creation of the post of the Secretary-General/High Representation for the CFSP and the appointment of Javier Solana to it. Due to Solana’s keen interest in the peace process and efforts to become involved, the role of the special representative became more defined by its close working relationship with the SG/HR (GREVI, 2007b, p. 134). In fact, the EUSR has become “the High Representative’s extended arm on the ground” (AMBOS & VON BEHR, 2004, p. 308). In addition to preparing and following up Solana’s numerous trips to the region, the close cooperation between the two posts allows the EUSR to call on the SG/HR to add his diplomatic and political clout to precarious political situations on the ground. Enhancing this close working relationship is the fact that Moratinos’s successor, Marc Otte, the former Belgian ambassador to Israel, was one of Solana’s senior policy advisors and a member of

the Policy Unit in the Council Secretariat (GREVI, 2007b, p. 134, see also COUNCIL WEBSITE, n.d.b).

Otte was appointed to the post of EUSR in mid-2003 during a time when many landmark developments had taken place in the region and in the world (COUNCIL, 2003b): the creation of the Middle East Quartet, a new peace plan in the form of the Roadmap, Arafat's death, and Israel's unilateral withdrawal from Gaza and parts of the West Bank. Through the highs and lows of the conflict and the peace efforts, the EUSR has attempted to remain a credible interlocutor for the parties of the region as well as for its international partners in the Quartet. He attends the meetings of the special envoys to the Quartet and maintains close working relationships with the Quartet's various special envoys as well as with U.S. officials and senior government officials from the region (GREVI, 2007b, p. 136). By the end of 2005, EU engagement made a qualitative leap forward with the deployment of EUBAM Rafah and EUPOL COPPS. These changes had implications for the special representative's mandate, now expanded to include ensuring the presence of the EU in the region and in international forums as well as contributing to crisis management and prevention, monitoring implementation of the roadmap, developing and implementing a EU program on security issues, and providing political guidance to the heads of mission of EUBAM Rafah and EUPOL COPPS (COUNCIL, 2006c).¹³⁸ In this latter function, Otte helped define the political framework of the missions and was instrumental in the review and renewal their mandates and the negotiation of these with the Israel and the Palestinians, despite the fact that the missions had been suspended due to the political situation on the ground (see 2.6 of this chapter). In negotiating with Israel after it closed the Rafah border crossing due to the election of Hamas in January 2006, he was able to convince Israel to temporarily reopen the crossing in July 2006 (GREVI, 2007b, p. 138).

Although the presence of a special representative has contributed to the growth of the EU's conflict management capabilities in the Middle East, the EU remains far from fulfilling its potential. And the actual effect of the EUSR on the EU's role in the peace process is disputed: Whereas some scholars stress that the EUSR was able to effectively enhance Europe's role and political standing in the peace process (PETERS, 2000), others claim that he has "had no direct impact on the Middle East peace process"

¹³⁸ Other acts renewing and amending Otte's mandate include Council joint action 2004/534/CFSP of 28 June 2004, and Council joint action 2005/99/CFSP of 2 February 2005. The newest Council joint action amending Otte's mandate is from 2008 and no longer includes the task of providing guidance to the heads of the ESDP missions, instead it has extended to include contributing to the implementation of the EU's human rights policy and the European Guidelines on Human Rights (COUNCIL, 2008).

(SCHUMACHER, 2005, p. 265). They argue that the EUSR's activities have not resulted in increased political clout in the process for the EU or that the increased acceptance of the EU as a broker by the conflicting parties is not a direct consequence of EUSR engagement. Even regional actors have commented that the EUSR "always shows up when Dennis Ross [the former U.S. special envoy to the Middle East] has left" (quoted in DOSENRODE & STUBKJÆR, 2002, p. 156). DIETL (2005) also remarks that the EUSR's ability to actually contribute to enhancing the EU's political profile in Israeli eyes and increasing EU influence on Israel is debatable (p. 349). The fact that the EU is perceived as pro-Palestinian in Israel and that the EUSR has contact with Palestinian extremists has not helped to dispel Israeli concerns. Other scholars view the appointment of the EUSR as "an act more directed at the EU's domestic audience than with any serious hopes of gaining more influence in the process", in effect translating the EU's desire for a larger political role in the peace process into a visible action (DOSENRODE & STUBKJÆR, 2002, p. 156). Despite having achieved much by working at a low profile level, YOUNGS furthermore claims that the EUSR's influence has been limited by the "need to take care to make sure that nothing is done that contravenes the political will of any European government" (quoted in EUROPEAN UNION COMMITTEE, 2007, p. 37). So, although the presence of the EUSR enables European policy to respond to the needs and concerns of the parties and to identify areas of action and was considered an improvement over the cumbersome Troika efforts by becoming the voice of the EU on the ground – aspects European foreign policy in the Middle East had been lacking prior to the appointment of a EUSR –, the true influence of the EUSR is hard to pinpoint. In light of the beginning of the second intifada and the deadlock in the peace process that has reemerged in recent years, the EUSR's sphere of activity has seemed to decrease and is "limited [...] to little more than a spokesperson and messenger for the EU" (DOSENRODE & STUBKJÆR, 2002, p. 151). This has especially been true since the emergence of Solana, who has been more visible and whose mediation efforts seem to be taken more seriously by the Israelis and Palestinians.

2.6 ESDP Missions

In the EU's quest to play a more prominent role in the Middle East and particularly in Middle East peace-making, the EU has decided to include the Palestinian territories as an object of ESDP, deploying two missions to the region in 2005: a police mission to

support the PA in establishing sustainable and effective policing arrangements (EUPOL COPPS) and a border monitoring mission to monitor the Rafah border crossing between Egypt and the Gaza Strip (EU BAM Rafah). Both missions reflect the EU's "readiness to support the Palestinian Authority in taking responsibility for law and order, and in particular, in improving its civil police and law enforcement capacity", especially after the Israeli withdrawal from Gaza in August and September 2005 (EUROPEAN COUNCIL, 2004c). A long-time supporter of the prospect of a Palestinian state and proponent of a two-state solution to the Israeli-Palestinian conflict, the EU jumped at the opportunity to expand its role in the region and utilize its newest policy tools, thus adding new elements to its policy strategy vis-à-vis the conflict within the context of ESDP, forming missions that aimed at facilitating Palestinian institution-building activities.

The EU police mission in the Middle East builds on the activities of the EU Coordinating Office for Palestinian Police Support (EU COPPS) established in April 2005 and consisting of four European police experts. EU COPPS, the result of dialogue between the EU and the PA and established by an exchange of letters between the EUSR Marc Otte and Ahmed Qurei, the Palestinian Prime Minister at that time, aimed to provide support for operation priorities and to assist in longer-term transformational change so that the PA could develop a modern, effective, and accountable civil police service. Short-, medium-, and long-term tasks outlined by the office's objectives included advising the Palestinian Chief of Police and the Minister of the Interior, liaising with stakeholders, coordinating assistance and monitoring progress as well as assisting in the formulation of a Transformational and Operational Plan, helping the police develop a policing strategy, implement structures and management capacity, and draft a legislative framework as well as to create accountability mechanisms (see EU HIGH REPRESENTATIVE PRESS RELEASE, 2005). Specifically, EU COPPS supported the PA in taking responsibility for law and order and provided the PA with vehicles, personal protective gear, communication equipment, office equipment, and infrastructural repairs. The EU does not provide the Palestinian Civil Police with weapons.

The EU police mission, EUPOL COPPS, established in November 2005 upon invitation by the PA and present in the region since January 2006, expanded the size and scope of EU COPPS. In supporting the PA to establish "sustainable and effective policing arrangements", its original contingent of 33 unarmed personnel from EU member states was mandated to "assist the Palestinian Civil Police (PCP) in implementation of

the Police Development Programme by advising and closely monitoring PCP [...]; coordinate and facilitate EU and Member State assistance, and where requested, international assistance to PCP; [and to] advise on police related Criminal Justice elements” (COUNCIL, 2005c). By also ensuring that donor aid is used as an incentive for reform, EUPOL COPPS has taken typical ESDP strengthening and reform missions “a step further” (SERRANO, 2006, p. 43).¹³⁹ The mission initially produced positive results by beginning to refurbish the Jericho Training Center, but the mission was suspended in 2006 due to the election of Hamas and the fighting between Hamas and Fatah, forcing the mission to reduce its personnel to 16. It remains, however, formally in place (CENTRO INTERNAZIONALE DE TOLEDO, 2006; TOMIK, 2007).¹⁴⁰ The EUPOL COPPS mission is increasingly hampered by the situation in the region: The effects of the international embargo of Hamas are most clearly visible with respect to the refurbishment of the Jericho Training Center, which has not been completed due to the withholding of funds (the dormitories are not complete) (see CENTRO INTERNAZIONALE DE TOLEDO, 2006, pp. 20-21). Moreover, the mission struggles with the fact that Palestinian society does not accept the inclusion of women in the Palestinian Civil Police Forces and the overall lack of rule of law in the Palestinian territories. Furthermore, Israel has not yet accredited the mission, hindering the EUPOL COPPS personnel’s freedom of movement and prolonging the process of effective implementation (CENTRO INTERNAZIONALE DE TOLEDO, 2006, p. 24). The former head of the EUPOL COPPS, Jonathan McIvor, perceives Israel as not wanting the EU to advise and train a Palestinian police force out of the fear that a strong Palestinian police force could someday lead to a national army. Another problem continues to be the violence between Israel and the Palestinians, causing Israel to destroy EU-financed police vehicles during its raids and offensives (TOMIK, 2007, p. 3).

The border-monitoring mission at the Rafah crossing point between Gaza and Egypt is considered “an important benchmark” in the EU’s role in the Middle East, as it represents “the first time that Israel has accepted a mediating role, albeit an unusual one, for the European Union in the conflict” (SABIOTE, 2006, p. 8).¹⁴¹ EU BAM Rafah was

¹³⁹ The funding for this police mission comes from the member states.

¹⁴⁰ EUPOL COPPS re-engaged in with the Palestinian civil policy after June 2007, focusing its efforts on support to the officers in the West Bank because it cannot be present in Gaza due to Hamas’s control. Moreover, Israel finally began to accredit the mission in December 2007, an action that will assist the mission in carrying out its work effectively.

¹⁴¹ Some EU member states were wary of real security involvement in the Middle East and were skeptical of the planned mission. Czech Foreign Minister Cyril Svoboda was quoted as saying, “To guard the border or even to send soldiers or policemen is not the work of the EU and should not be considered”,

established in November 2005 by the Council on the basis of the Agreement on Movement and Access as well as on the Agreed Principles for Rafah Crossing between Israel and the PA from November 15, 2005, and on letters of invitation from the PA and Israel regarding the role of the EU as a third party in the operation of crossing points.¹⁴² This occurred in the context of the aftermath of the Israeli withdrawal from Gaza, in which the U.S. pressed Israel to begin negotiations with the PA on allowing the Palestinians access to the outside and between the Gaza Strip and the West Bank. Israel and the PA agreed in the AMA on the necessity of a third party to verify the work of the Palestinian border officials and accordingly invited the EU to take on this task. Whereas Israel demanded a larger role for the EU in which it would have executive capabilities (i.e. deciding which persons would be allowed to cross the border), the Palestinians foresaw a mere surveillance role for the EU (SABIOTE, 2006, p. 10). This discrepancy is reflected in the mission's mandate to "actively monitor, verify and evaluate the Palestinian Authority's performance with regard to the implementation of the Framework; [...] contribute, through mentoring, to building up the Palestinian capacity in all aspects of border management; [and to ...] contribute to the liaison between the Palestinian, Israeli and Egyptian authorities in all aspects regarding the management of the Rafah Crossing Point" (COUNCIL, 2005d). The mission is also tasked to assist the PA build border management and customs capacities through training, equipment, and technical assistance (see EU BAM RAFAH WEBSITE, 2008).

The mission at the border crossing in Rafah entails approximately 70 officials from Belgium, Denmark, Finland, France, Germany, Greece, Italy, Lithuania, Luxembourg, Portugal, Slovenia, Spain, Sweden, the Netherlands, the United Kingdom, and Romania. The EU personnel monitor the procedures at the crossing point and ensure that the crossing is operated according to customs and security protocols. European officials do not have direct executive responsibility for the operation of the crossing or for guaranteeing security, but they have the authority to order the reexamination and reassessment of any passenger, luggage, vehicle, or goods (EU COUNCIL SECRETARIAT, 2006). Israeli officials also closely observe the border crossing as well and can "request the detention of, or denial of entry to, suspected terrorists" (DEL SARTO, 2007, p. 71),

instead the EU should "limit its activities to assisting the Palestinians by training" (see BEUNDERMAN, 2005). Nevertheless, the EU set a precedent with its rapid deployment of this mission, a circumstance that can be attributed to the flexibility of ESDP instruments in allowing for the participation of member states on a voluntary basis (SABIOTE, 2006, p. 9).

¹⁴² The original mandate of the mission was for one year; this has since been amended and extended to May 2008 on request of the parties (see COUNCIL, 2007d).

effectively maintaining ultimate control of the passage of Palestinians (a practice also engaged in through its frequent closing of the crossing). In the event of a disagreement between the Israeli and Palestinian authorities over the detention of or permitted entry of a suspected terrorist, the European officers have the power to make the final decision.

Because the mission is entrusted with merely supervising the implementation of procedures on which Israel and the PA agreed, EU officials continually stress its “limited” operational significance (DEL SARTO, 2007, p. 71). Nevertheless, the EU “makes a considerable contribution to the Middle East peace process” in Rafah, because it helps to ensure that the agreement made between the PA and Israel is implemented (RUMMEL, 2006, p. 15). In this sense, it could contribute to an improvement of the political climate in the region, “a step, after all, on the long way to peaceful coexistence” (RUMMEL, 2006, p. 15). DEL SARTO (2007) also argues that EU BAM Rafah is “*politically* relevant; for borders are and will remain one of the most crucial elements in resolving the Israeli-Palestinian conflict” (p. 71, emphasis in original).

Yet, the situation on the ground, i.e. military crackdowns, an increased fear of suicide bombers, the Israeli refusal to allow Hamas ministers to cross the border, the inter-factional Palestinian violence, etc., limits the implementation of this mission and has caused it to become “effectively irrelevant in the presence of renewed armed conflict between Israel and the Palestinians” (GYA, 2007, p. 8). Following the violent events in June 2006 and the militant Palestinian operation at Kerem Shalom Crossing on June 26, 2006, the IDF ordered EU BAM to evacuate the Rafah Crossing Point. The subsequent closure policy and temporary re-openings have not set well with the EU: The EU has continually pressed the Israelis to reopen the passage, initially obtaining the “temporary and exceptional re-opening” in late July 2006 (CENTRO INTERNAZIONALE DE TOLEDO, 2006, p. 25). During this temporary opening, 5,000 Palestinians returned from Egypt. From the end of June until operations were suspended on June 13, 2007, after the violent takeover of Gaza by Hamas, Rafah was only open on an occasional basis, undermining the impartiality of the EU’s mission as Palestinians increasingly perceived it as “contributing to the strangulation and deprivation of Gaza Strip civilians” (CENTRO INTERNAZIONALE DE TOLEDO, 2006, p. 25). Although the mission was able to convince Israel to temporarily open the crossing on numerous occasions by mediating between the parties and maintaining the ability to respond immediately when required, observers note that “EU BAM-Rafah is reduced to negotiating the opening of the [crossing point] for humanitarian reasons, and has only been success-

ful in obtaining the sporadic and temporary re-opening” (CENTRO INTERNAZIONALE DE TOLEDO, 2006, p. 30). The suspension of EUBAM on June 13, 2007, due to the Hamas takeover of the Gaza Strip is another setback; nevertheless, the EU maintains an operational capability despite downsizing the mission. It continues to remain on standby, and the EU has stressed that “it stands ready to redeploy the mission as soon as conditions allow” (COMMISSION STAFF WORKING DOCUMENT, 2008a, p. 4). In the meantime, it maintains contacts with the Israel and the PA on a regular basis, is preparing future capacity-building projects, and provides support to other EU operations when necessary (EU BAM RAFAH WEBSITE, 2008).

VI. CONCLUSION

This study of European foreign policy towards the Arab-Israeli conflict has demonstrated that the EU has gradually been able to assume a more active political role in the Middle East since 1993. It began with a discussion of the concept of European foreign policy in general and determined that European foreign policy consists of three dimensions: Community foreign policy, Union foreign policy, and member state foreign policy. This separation of European foreign policy in these subsystems is a consequence of the development of the EU and the fact that foreign policy cooperation at the European level evolved gradually over time and separate from the economic dimension of the EC as well as parallel to member state foreign policy. This evolution consequently resulted in a complex and institutionally fragmented, yet functionally unified framework of foreign policy. The increased coordination between the institutions, pillars, and tools of the European foreign policy subsystems over the years has led to a cross-pillar policy environment today in which European foreign policy actors located in Brussels are gradually gaining the upper-hand in foreign policy making, an environment that upholds the use of the term 'European foreign policy' to describe the foreign policy emanating from the EU.

This functionally-unified policy framework of European foreign policy has outfitted the EU with a wide variety of policy tools – created in the midst of the EU's search for a stronger, more effective foreign policy – it can implement in the pursuit of European objectives with respect to the Arab-Israeli conflict. It has been the utilization of these policy tools that has contributed to the expansion of the EU's role in the region from a marginalized economic sponsor of the peace process to an up-and-coming actor in political and security aspects of the conflict. The EU's financial engagement for the support of the peace process proved in particular to be the stepping stone for a more active European role: it led both the Palestinians and the Israelis (as well as the U.S.) to increasingly accept the EU as an actor in the region, allowing the EU to expand its political role, the pinnacle of which came in the form of the EU's involvement in the Middle East Quartet and drafting of the Roadmap as well as the deployment of two separate ESDP missions to support the Palestinians. Yet, the tools utilized in European foreign policy towards the Arab-Israeli conflict reflect the fact that the strengths of European foreign policy, particularly in this case, remain within the competence of Community

foreign policy, making the economic and financial aspects of Community foreign policy the foundation of European foreign policy towards the Arab-Israeli conflict, yet also contributing to the perception that the EU is an economic giant, but a political dwarf, or, in other words, a payer and not a player in the peace process, a perception that the EU has assiduously worked to reverse throughout the time period analyzed in this study by reaching into its multi-faceted toolbox and increasing the amount of tools, economic and political/diplomatic alike, it utilizes to implement policy towards the conflict.

While the utilization of European foreign policy tools has certainly assisted in the expansion of the EU role in the region (even if this role is limited in its scope by the U.S.), this being sufficiently demonstrated throughout chapter four, the main question surrounding this study was if these tools were being utilized to their fullest potential and as such effective in promoting the EU's policy objectives in the region, these being, first and foremost, a negotiated settlement to the conflict in which Israelis and the Palestinians live side by side in states – the Palestinians within an independent, viable, and democratic state – established according to the 1967 borders as well as the political, economic, and social stabilization of the region as a whole. In pursuing these policy objectives, the EU increasingly utilized the innovative economic and political tools available within the European foreign policy framework. Are these tools being utilized to their fullest potential and have they been able to deliver the desired outcome of policy efforts? At first glance, one could answer this question with a firm negative. With respect to the EU's contractual relations with the parties, the EU has not been consistent in adhering to the principles of conditionality, a main feature of EU contractual relations used to promote its political objectives such as democracy, rule of law, and respect for human rights. Treaty violations such as human rights abuses and the blatant disregard for the provisions of the association agreements during this time period were not punished commensurately, and the EU continued to extend the benefits of the association agreements. What does this say about the seriousness and credibility of European foreign policy and its objectives? Regarding the ENP, the EU's alternative to the offer of EU membership, it may be too early to judge the effectiveness of this policy tool. Conditionality is here again an important element of policy; yet, on the one hand, the practicality and purpose of extending ENP benefits to the Palestinians remains in question due to the fact that they are furthest away in terms of EU integration and it will be years before they would be able to receive any real tangible benefits of increased participation in EU programs, not to mention the EU's internal market. On the other hand, the ques-

tion surrounding conditionality with respect to Israel remains also unclear, in particular due to the EU's past unwillingness to invoke conditionality towards the Israelis and the Action Plan's vagueness on what Israel should commit to politically in return for EU benefits such as participation in the internal market. The issue here is if the EU will stand firm in its insistence on Israel adherence to shared values such as the respect for human rights and international law before offering Israel the opportunity of increased participation and integration in EU programs. Financial and humanitarian aid appears to be more successful with respect to conditionality in light of Palestinian dependency on EU financial support despite the prolonged delay in utilizing this element; however, the overall policy goal of increasing economic development in the Palestinian territories, improving the Palestinian's standard of living, and establishing independent, democratic government institutions has not been achieved. EU efforts at promoting regional integration have also been unsuccessful, with its first attempt, REDWG, falling to the failure of the peace process, and its second attempt, EMP, succumbing to a lack of willingness on the part of all participants to engage in the process and in regional cooperation, due in part to the inability of the EU to create regional identity from scratch in a region of conflict. Even the EU admits that the conflict itself impedes progress in the EMP and prevents this tool from achieving its objectives, stressing that it is to set up a framework for regional cooperation after the conclusion of a settlement to the conflict. EU electoral support has induced positive developments with regard to the Palestinian electoral process, assisting in the organization of and observing three Palestinian elections that were determined to be democratic, yet not quite fully free and fair. When viewed from this perspective, not all of the Community's foreign policy tools were utilized to the fullest potential, and very few were able to deliver the desired effects.

With respect to the Union foreign policy tools, the picture is not much different. Although the member states have been able to agree on joint actions that have induced the utilization of Community policy tools (i.e. the Palestinian assistance program) and have created new policy tools (i.e. the EUSR for the Middle East peace process, or common positions resulting in Community and member state action such as restrictive measures); these have been decided on only with respect to a few select issues, indicating that member states are leery of committing to common political action vis-à-vis the Arab-Israeli conflict. Moreover, the Common Strategy on the Mediterranean, formulated in the hope of creating a new framework for EU policy in the region, did not help the EU play a larger role in the Middle East or increase the propensity for common action vis-à-

vis the region, largely because it had no strategy and entailed no concrete measures to be implemented in pursuit of the EU's objectives delineated in the strategy. Another prominent political tool, the use of declarations and demarches, has two sides when evaluating their 'ability to deliver': whereas EU declarations made their mark on the search for a settlement to the conflict, eventually leading to the international acceptance of the prospect of the establishment of a Palestinian state as part of the solution to the Arab-Israeli conflict, EU declaratory policy in the form of declarations and demarches is often accused of failing to underscore its rhetoric with concrete policy action, voicing criticism of Israeli and Palestinian policies, but not acting to induce policy changes. Institutionalized political dialogue, one of the most important diplomatic tools of European foreign policy, has, on a positive note, seemed to have succeeded in addressing and in solving some contentious issues such as the proofs of origin issue or Israel's refusal to allow European officials to meet with Arafat and in fostering the creation of enhanced cooperation structures between Israel and the EU; however, the multilateral political dialogue provided for in the EMP seems to be waning in light of the new focus on the ENP, in effect devaluing the multilateral approach of the EMP in promoting regional stabilization, and substantive political dialogue with the Palestinians on democracy, human rights, strengthening the fight against terrorism, etc., has been put on the backburner in light of more pressing problems on the Palestinian side. In spite of the fact that the EU has increasingly used restrictive measures or sanctions in the European foreign policy framework in general as a tool to maintain and restore peace and security, this has occurred very rarely in the context of European policy towards the Arab-Israeli conflict, despite increased calls for action along these lines: Some targeted sanctions with respect to persons and groups involved in terrorist activities have been imposed as well as against persons and entities in Lebanon; apart from these cases, sanctions are not a tool that the EU utilizes in pursuit of policy in the Middle East. One of the most celebrated Union foreign policy tools has been the appointment of the EUSR, who was in fact pivotal in making European policy more visible in the Middle East; nevertheless, the overall success of his role is disputed, and in recent years his sphere of influence and activity has seemed to have receded, making him more a messenger of EU policy than a tool of this policy. The newest policy tool utilized in the context of European foreign policy towards the Arab-Israeli conflict has been the deployment of EU BAM Rafah and EUPOL COPPS, utilizing policy tools within the ESDP framework for the first time in the Middle East. These missions, hyped as qualitative jumps in the European role in

the Middle East at the time of their deployment, were disappointing at most and have been temporarily suspended and fairly inactive since 2006.

While this may seem like a clear cut answer to the question of policy tool utilization and effectiveness, in the context of the Arab-Israeli conflict this question is difficult to answer, because so many external factors influence the implementation and outcome of European foreign policy in the region and thus the effectiveness of European foreign policy tools. The use of conditionality within the framework of the EU-Israeli association agreement is, for example, influenced by Israel's position towards EU involvement in the region. Israel, for its parts, views EU intentions with respect to the Arab-Israeli conflict and peace process skeptically, and does not feel that the EU has the necessary clout to function as a mediator in the conflict. After years of difficult relations due to the EU's critical stance with regard to Israeli policies during the years of the intifada, resistance to an EU role seems to be lessening, as Israel allowed the EU to deploy ESDP missions to the region and accepted the European presence in the UN's UNIFIL II mission. Yet, the extent to which this trend will continue in the future remains to be seen. Because European engagement in the region so depends on Israeli acquiescence to an increased EU role or even a minimal EU role for that matter (see III.3.1), the EU is wary of antagonizing Israel, preferring to refrain from the use of negative conditionality such as the suspension of the association agreement. Were the EU to sever its economic ties to Israel, the EU would lose all chance of ever being able to play a role in the Arab-Israeli peace process and/or conflict. Being as a political role in the search for a conflict solution is a long-standing objective of European policy vis-à-vis the Arab-Israeli conflict, it is highly unlikely that the EU would risk such consequences. This is also the case with regard to restrictive measures against Israel – it is simply not a feasible option in European foreign policy, not only because of the implications of such actions stemming from Israel, but also because EU member states, in particular Germany and Great Britain, do not view such actions as a productive method of policy vis-à-vis Israel. Israel has also repeatedly obstructed the implementation of the EU-Palestinian Interim Association Agreement by not recognizing the agreement and impeding EU-Palestinian trade, actions that along with its closure and settlement policies and occasional refusal to transfer tax revenues to the Palestinians have contributed to the socio-economic and humanitarian crises in Palestinian society, which have forced the EU to divert its financial aid allocated for economic development in the Palestinian territories, Palestinian infrastructure, and the establishment of democratic government institutions to ameli-

orating the effects of these crises through increased humanitarian aid and budget support for the PA. The weakness of PA institutions, on the other hand, has influenced the effectiveness of EU financial assistance in that these institutions have wasted and mismanaged large portions of donor assistance.

Additional external factors impeding the effectiveness of European foreign policy tools included the forces opposed to peace on both side of the conflict that have disrupted the peace process over the years. The election of Hamas and the formation of a Hamas-led government that has not denounced violence and recognized the agreements made within the framework of the peace, for example, have in recent years prevented the implementation of policy tools such as the ENP Action Plan, financial support, political dialogue, and the ESDP missions because the EU has suspended these in reaction to its refusal to adhere to the Quartet's conditions. With respect to the EU efforts in promoting regional cooperation, the animosity between the Arabs and Palestinians on the one side and the Israelis on the other hand has disrupted the EMP, leading to the boycott of Euro-Med meetings and an absence of substantive cooperation on the regional level. As far as Israeli opposition to the peace process is concerned, the assumption of the office of Prime Minister of two Likud politicians who were fundamentally against the prospect of peace with the Palestinians, Netanyahu and Sharon, led to the Israeli policies outlined above that have so impeded the effective implementation of European foreign policy tools. Thus, with respect to the successful implementation of European foreign policy tools, much depends on the situation on the ground. The EU has little within its power that it is willing to or can use to contribute to a de-escalation of violence in the region or to convince the conflicting parties to refrain from violence, especially when it has, as in the case of Hamas and other Palestinian terrorist groups, no contacts or leverage possibilities with these parties or, in the case of Israel, is unwilling to back up its rhetoric with concrete action.

The main external factor that has prevented an active European role in the region in the past has been the U.S., who has not been keen on a large European involvement in the political sphere or the peace process (see III.3.3). An increased role for the EU was only possible once the U.S. began to embrace the complementarity of EU economic engagement in the region and view the EU's influence on the Palestinians as positive towards the end of the 1990s. In this context, the EU was periodically able to work with the U.S. in the diplomatic sphere of the peace process, for example in drafting the Hebron Protocol, working against a unilateral declaration of statehood by the Palestinians,

and within the framework of the Middle East Quartet. Despite, the increased role accorded to the EU in this respect, EU policy is still limited largely to the framework the U.S. sets, as the U.S. prefers to see the EU continue its financial support for the Palestinians and assisting in state-building activities than engaging in the political and diplomatic search for a conflict settlement. This is most visible in Quartet policy-making, as the U.S. continues to make the rules of engagement, in effect limiting the EU's role within this element as well in its effort to maintain primacy over the efforts towards peace. Moreover, EU sensitivity to U.S. objections to a political role has contributed to the EU's limited use of political tools and to that fact that the EU refrains from giving its policy tools more 'bite', as some member states are leery of promoting role that might be interpreted as competing with U.S. efforts.

Thus, sometimes extenuating circumstances that the EU cannot control prevent the full and effective implementation of European foreign policy tools. Other times the full implementation of European foreign policy tools is just not politically feasible if the EU wishes to continue to play role in the conflict at all. Now and again the general consensus among the member states also does not permit the EU from implementing policy tools to the fullest. Although the member states have developed a more a less common policy towards the Arab-Israeli conflict, they still approach this issue differently and have different priorities and interests. These differences do not necessarily lead to problems or conflicts between the member states, but they do leave their mark on European foreign policy in that they can prevent foreign policy cooperation when member states cannot agree on policy action or measures. This is because foreign policy decisions with respect to the Arab-Israeli conflict must generally be unanimously decided in the Council. The use of unanimity in decision-making, upon which the member states seem to insist, however, results in serious efficiency problems in the formulation of European foreign policy. First of all, the intergovernmental decision-making process results in decisions based on the smallest common denominator such as joint actions and common positions. Such decisions limit the scope of action in the implementation of decisions. More often than not, the smallest common denominator-nature of EU decisions also leaves little room for future action. Furthermore, the time needed to formulate a decision that all member states can accept hinders quick reactions to events and crises. The negotiations between the member states in the search for consensus can be a long, cumbersome process of ironing-out differences, and when this is done publicly, it can damage EU credibility once a policy has been decided. Lastly, when member states cannot

reach a decision and the decision-making process comes to a standstill, the EU's capacity to act and its credibility are damaged (RUMMEL & WIEDEMANN, 1998). Such paralysis in decision-making and the resultant deficient reactions can prevent the EU from assuming a vital role in international relations or in a crisis and also hamper the effectiveness of policy tools. Examples of member state divergences affecting the utilization of policy tools can be found in the issues of conditionality in the framework of the association agreement, the use of restrictive measures, EU declarations (that can be toned down due to member state objections), the appointment of the EUSR, and in the formulation of the Common Strategy on the Mediterranean.

Aside from member state divergences, the EU's other internal institutional and procedural problems inherent to the institutionally separated system of European foreign policy can impede the full and effective implementation of policy tools. The multidimensionality of European foreign policy-making is one such characteristic: Although the EC and CFSP/ESDP work regularly together in the pursuit of foreign policy, this being evident in the fact that Community policy tools are increasingly used to underpin the political actions of CFSP and leading to the blurring of the institutional boundaries between these two subsystems, this increasing tendency towards cooperation does not erase the inter-institutional tensions, rivalry, and inadequate coordination between the EC and CFSP that have impeded policy implementation and the utilization of policy tools in the past. Situations vis-à-vis policy towards the Arab-Israeli conflict in which problems of this nature arose include the conflict between the Council, the Commission, and the EP over the financing of the Palestinian police force that led to the delayed disbursement of financial assistance. Tensions between the pillars over the appointment of the special envoy, particularly skepticism on the part of Commission officials, caused the Community delegations in Israel and the Palestinian territories to delay logistical support for the special envoy (see BRETHERTON & VOGLER, 1999, pp. 186-187). The official representation of the EU can also cause tensions and problems as European foreign policy is represented on different levels and through various representatives such as the member states, the European Council, the Council, the Troika, the Commission, the External Relations Commissioner, the member state holding the Council Presidency, and the High Representative. The visibility of European initiatives can be impaired by the sheer number of European representatives, especially when each presents his or her own spin on an issue. Each of these actors reacts differently, influencing the

EU's ability to speak with one voice on the world stage or on issues with respect to the Arab-Israeli conflict.

Consistency, or better said the lack thereof, is also a problem when it comes to the effective implementation of policy and policy tools. The inter-institutional rivalry highlighted above is an example of the consequence of a lack of institutional consistency, meaning that the sets of actors in European foreign policy apply different procedures in handling a single policy sector, such as external relations. Inconsistencies thus arise through different approaches to the same problem. As the interfaces between CFSP and the EC have increased, due to the growing profile of European foreign policy, so have the problems of institutional consistency. The only provision that exists to provide consistency in this sense are the provisions concerning economic sanctions, in which the member states must adopt a common position or joint action within the CFSP framework and a Council regulation within the Community framework (NUTTALL, 2005, p. 98, see also K. SMITH, 2003, pp. 65-66). With the exception of this provision, no other provisions aim to ensure the coherent use of European foreign policy tools, which located are in two different frameworks that both tackle foreign policy issues. The EU has attempted to counteract these problems in the most recent treaty provisions, specifically by creating the post of an EU foreign minister that is to unite the positions of the External Relations Commissioner and the SG/HR; however, due to the problems in ratification it remains to be seen when this change will occur. Yet, as long as two separate bodies with overlapping competences coexist, institutional consistency will most certainly continue to be a problem. Consistency or the lack of consistency between EU and member states policies, or vertical consistency, gives rise to the most political difficulties. While the member states are obligated to comply with common positions and joint actions and to refrain from actions that are contrary to EU interests or impair EU effectiveness, they do not always abide by their commitments. Often times, member states step out of the EU line (although the tendency to do is diminishing), as has been the case in European foreign policy towards the Arab-Israeli conflict. Even though the member states' tendencies to go-it-alone have resulted in a more active policy at the EU level, such actions can hinder the effectiveness and the credibility of European foreign policy.

An additional problem resulting from the multi-dimensionality of European foreign policy is the fact that foreign policy competences are distributed throughout the foreign policy system. European foreign policy is formulated by different actors within the sys-

tem and implemented by different tools. Not all of these tools are located within the competence of the EU, as demonstrated, but instead some are under the explicit competence of Community foreign policy while others are made available to European foreign policy by the member states. In this latter case, either each member state implements its tools unilaterally or the member states decide to coordinate the use of these tools within CFSP. This leaves the member states with a large amount of control over political and diplomatic tools in particular, because unanimity is the decision-making method of choice within CFSP. This fact leads, in turn, the familiar problems associated with unanimous decision-making procedures with respect to the effectiveness (and efficiency) of European foreign policy.

Even though the European foreign policy tools utilized in policy implementation vis-à-vis the Arab-Israeli conflict have not always achieved the desired results (or have been implemented to the fullest potential of what they are capable of) – this being due to a combination of external and internal factors impeding the proper implementation of these tools – some may argue that it is remarkable that the EU has been able to do so much in light of the overall situation in the region as well as the conflicting parties and the U.S.'s stance towards increased EU engagement. Although these tools may not have achieved all that the EU had hoped, they have contributed to the development of the EU's role away from a marginal actor to a primarily economic and financial actor and eventually to increased political engagement in the peace process and in recent years to the realm of security. Others may argue that the EU has not done enough and that it must increase its engagement in the region in the future. They point to the declaratory policy of the EU and its lack of recognizable consequences that has resulted in a gap between the principles and rhetoric of the EU and the reality of European foreign policy action. Yet, one must not forget that the EU is still evolving as a foreign policy actor and improvements in the European foreign policy framework in the years to come may be able to remedy some of the problems European policy faces. In the meantime, with respect to the effectiveness of European foreign policy tools utilized in the pursuit of policy towards the Arab-Israeli conflict, much depends on the situation on the ground and the ability of the EU to influence the actors in the conflict. Here, a starting point may be increased contacts to, for example, Hamas, especially in light of EU efforts to promote the establishment of an independent, peaceful and viable democratic state based on the 1967 borders (i.e. in the West Bank and the Gaza Strip).

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VIII. APPENDIX

1.CFSP Joint Actions on the Middle East Peace Process, 1993-2007

94/276/CFSP	In support of the Middle East Peace Process
96/676/CFSP	Nomination of an EU special envoy for the Middle East peace process
97/289/CFSP	EU programme to support the PA in its efforts to counter terrorist activities emanating from the territories under its control
1999/664/CFSP	Nomination of an EU special envoy for the Middle East peace process
1999/843/CFSP	Extending and amending special envoy's mandate
2000/298/CFSP	EU programme to support the PA in its efforts to counter terrorist activities emanating from the territories under its control
2000/764/CFSP	Appointing the EUSR for the Middle East Peace Process and repealing JA 96/676/CFSP
2001/800/CFSP	Extending the mandate of the EUSR for the Middle East peace process
2002/965/CFSP	Amending and extending the mandate of the EUSR for the Middle East peace process
2003/445/CFSP	Amending and extending the mandate of the EUSR for the Middle East peace process
2003/537/CFSP	Appointing the EUSR for the Middle East peace process and amending JA 2002/965/CFSP
2003/873/CFSP	Extending and amending the mandate of the EUSR for the Middle East peace process
2004/534/CFSP	Extending the mandate of the EUSR for the Middle East peace process and amending JA 2003/873/CFSP
2005/99/CFSP	Extending the mandate of the EUSR for the Middle East peace process
2005/587/CFSP	Extending the mandate of the EUSR for the Middle East peace process

- 2005/796/CFSP Amending the mandate of the EUSR for the Middle East peace process
- 2005/797/CFSP Establishing EUPOL COPPS
- 2005/889/CFSP Establishing EU BAM Rafah
- 2006/119/CFSP Extending the mandate of the EUSR for the Middle East peace process
- 2006/773/CFSP Amending and extending JA 2005/889/CFSP (EU BAM Rafah)
- 2007/110/CFSP Amending and extending EUSR's mandate
- 2007/359/CFSP Amending and extending JA 2005/889/CFSP (EU BAM Rafah)
- 2007/806/CFSP Amending JA 2005/797/CFSP (EUPOL COPPS)
- 2007/807/CFSP Amending JA 2005/889/CFSP (EU BAM Rafah)

Source: GENERAL SECRETARIAT, 1999; 2000; 2001; 2002; 2003; 2004a; 2005a; 2006a; 2007a; 2008b

2. Common Positions on the Arab-Israeli Conflict, 1993-2007

- 2002/400/CFSP Temporary reception by EU member states of certain Palestinians
- 2003/366/CFSP Amending CP 2002/400/CFSP
- 2004/493/CFSP Amending CP 2002/400/CFSP
- 2005/793/CFSP Temporary reception by EU member states of certain Palestinians
- 2005/888/CFSP Restrictive measures against certain persons suspected of involvement in the assassination of former Lebanese Prime Minister Hariri
- 2006/755/CFSP Temporary reception by EU member states of certain Palestinians
- 2006/625/CFSP Prohibition on the sale or supply of arms and related materiel and on the provision of related services to entities or individuals in Lebanon
- 2007/705/CFSP Temporary reception by EU member states of certain Palestinians

Source: GENERAL SECRETARIAT, 1999; 2000; 2001; 2002; 2003; 2004a; 2005a; 2006a; 2007a; 2008b

3. CFSP Declarations on the Arab-Israeli Conflict, 1993-20071993

- 9/13 Declaration by the European Community on the Middle East Peace Process

1995

- 1/5 Declaration by the Presidency on behalf of the European Union on the situation in the Palestinian Territories
- 1/23 Declaration by the European Union on the Attack in Netanya
- 2/6 Declaration by the European Union following the Cairo Summit
- 4/10 Declaration by the European Union on EU Support for Palestinian Elections
- 5/15 Declaration by the Presidency on behalf of the European Union on the Expropriation of Land in East Jerusalem
- 7/24 Declaration by the Presidency on behalf of the European Union on the attack in Ramat-Gan
- 8/22 Declaration by the Presidency on behalf of the European Union on the Terrorist Attack in Jerusalem (8-21-1995)
- 9/28 Declaration by the Presidency on behalf of the European Union on the Middle East Peace Process

1996

- 1/22 Declaration by the Presidency on behalf of the European Union on the Palestinian elections
- 2/26 Declaration of the European Union on the bomb attacks in Jerusalem and Ashqelon
- 3/3 Declaration by the Presidency on behalf of the European Union on the terrorist attack in Jerusalem
- 4/15 Declaration by the Presidency on behalf of the European Union on the situation in the Middle East
- 4/22 Declaration by the European Union on Lebanon
- 4/26 Declaration by the Presidency on behalf of the European Union about the decision taken by the Palestinian National Council on the Palestinian Charter
- 4/29 Declaration by the Presidency on behalf of the European Union on the ceasefire in Lebanon
- 6/22 Declaration by the European Council on the Middle East peace process
- 10/1 Declaration by the Presidency on behalf of the European Union on the Middle East peace process
- 14/12 Declaration by the European Council on the Middle East peace process

1997

- 2/27 Declaration by the Presidency on behalf of the European Union on the decision of the Israeli government to approve construction plans for Har Homa/Jabal Abu Ghneim
- 3/10 Declaration by the Presidency on behalf of the European Union on the latest developments in the Middle East peace process
- 3/14 Declaration by the Presidency on behalf of the European Union on the Middle East peace process
- 6/16 Declaration by the European Council: European call for peace in the Middle East
- 7/31 Declaration by the Presidency on behalf of the European Union on the Middle East peace process
- 9/5 Declaration by the Presidency on behalf of the European Union on the bomb attacks in Jerusalem
- 12/13 Declaration by the European Council on the Middle East peace process

1998

- 1/12 Declaration by the Presidency on behalf of the European Union on the construction by Israel of housing units in the West Bank
- 5/7 Declaration by the Presidency on behalf of the European Union on the Middle East peace process
- 6/16 Declaration by the European Council on the Middle East peace process
- 6/23 Declaration by the Presidency on behalf of the European Union on the decision to enlarge the limits of Jerusalem
- 8/28 Declaration by the Presidency on behalf of the European Union on the expansion of settlements on the Golan Heights
- 10/26 Declaration by the European Union on the Middle East peace process
- 12/4 Declaration by the Presidency on behalf of the European Union on the Middle East peace process
- 12/12 Declaration by the European Council on the Middle East peace process
- 12/23 Declaration by the Presidency on behalf of the European Union on the decision by the Israeli government to halt implementation of the Wye Memorandum

1999

- 3/2 Declaration by the Presidency on behalf of the European Union on the recent escalation of tension in Lebanon
- 3/25 Declaration by the European Council on the Middle East peace process
- 6/4 Declaration by the European Council on the Middle East peace process
- 9/7 Declaration by the Presidency on behalf of the European Union on the Sharm el-Sheikh Memorandum

12/11 Declaration by the European Council on the Middle East peace process

2000

2/9 Declaration by the Presidency on behalf of the European Union on Lebanon

5/6 Declaration by the Presidency on behalf of the European Union on Lebanon

5/22 Declaration by the European Union on the Middle East peace process

5/25 Declaration by the Presidency on behalf of the European Union on Lebanon

6/20 Declaration by the European Council on the Middle East peace process

7/26 Declaration by the Presidency on behalf of the European Union on the Middle East peace process

9/12 Declaration by the European Union on the Middle East peace process

10/2 Declaration by the Presidency on behalf of the European Union on the situation in Jerusalem and in the territories

10/2 Declaration by the Presidency on behalf of the European Union on the events on Temple Mount in Jerusalem

10/3 Declaration by the Presidency on behalf of the European Union on the situation in Jerusalem and in the territories

10/9 Declaration by the European Union on the Middle East peace process

10/13 Declaration by the Presidency on behalf of the European Union concerning the Middle East

10/13 Declaration by the European Council on the situation in the Middle East

11/20 Declaration by the European Union on the situation in the Middle East

12/8 Declaration by the European Council on the Middle East

2001

1/15 Declaration by the Presidency on behalf of the European Union on the death sentences and executions carried out by the Palestinian Authority

2/7 Declaration by the Presidency on behalf of the European Union on the election in Israel

2/13 Declaration by the Presidency on behalf of the European Union on extra-judicial killings

2/14 Declaration by the Presidency on behalf of the European Union on the bus attack in Tel Aviv

3/29 Declaration by the Presidency on behalf of the European Union on the deteriorating situation in the Middle East

4/4 Declaration by the Presidency on behalf of the European Union on Israeli settlement activities

4/18 Declaration by the Presidency on behalf of the European Union on the escalation of violence in the Middle East

- 5/22 Declaration by the Presidency on behalf of the European Union on the report of the Sharm el-Sheikh Fact Finding Committee
- 7/3 Declaration by the Presidency on behalf of the European Union on the Middle East
- 7/10 Declaration by the Presidency on behalf of the European Union on the Middle East
- 8/13 Declaration by the Presidency on behalf of the European Union on the Middle East
- 10/8 Declaration by the European Union on the Middle East
- 10/29 Declaration by the European Union on the Middle East
- 12/10 Declaration by the European Union on the Middle East
- 12/15 Declaration by the European Union on the situation in the Middle East

2002

- 3/16 Declaration by the European Council on the Middle East
- 3/29 Declaration by the Presidency on behalf of the European Union on the events in the Palestinian territories
- 4/20 Declaration by the Presidency on behalf of the European Union on the Middle East
- 4/24 Declaration by the Presidency on behalf of the European Union on the Middle East Peace Process
- 6/21 Declaration by the European Council on the Crisis in the Middle East
- 9/20 Declaration by the Presidency on behalf of the European Union on the Middle East Peace Process
- 10/21 Declaration of the European Union on the Third Meeting of the Association Council EU-Israel in Luxembourg
- 12/13 Declaration by the European Council on the Middle East

2003

- 8/12 Declaration by the Presidency on behalf of the European Union on the recent violations of the blue line
- 8/14 Declaration by the Presidency on behalf of the European Union on the new violence in Israel and the Palestinian territories
- 8/21 Declaration by the Presidency on behalf of the European Union on the suicide attack in Jerusalem
- 9/11 Declaration by the Presidency on behalf of the European Union on the situation in the Middle East
- 12/2 Statement of the Presidency on behalf of the European Union on initiatives by the Israeli and Palestinian civil societies

2004

- 1/16 Declaration by the Presidency on behalf of the European Union calling on Lebanon to reverse the decision to carry out 3 executions on Saturday 17 January and maintain Lebanon's Moratorium on the Death Penalty
- 6/17 Declaration by the European Council on the Middle East Peace Process
- 7/9 Declaration by the Presidency on behalf of the European Union on the Advisory Opinion of the International Court of Justice
- 8/18 Declaration by the Presidency on behalf of the European Union on Israeli decision to issue tenders for construction of housing units in settlements
- 12/17 Declaration by the European Council on the Middle East Peace Process
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- 1/10 Declaration by the Presidency on behalf of the European Union on the Palestinian presidential election
- 6/17 Declaration by the European Council on the Middle East Peace Process
- 8/23 Statement by the Presidency on behalf of the European Union on disengagement
- 12/16 Declaration by the European Council on the Mediterranean and the Middle East

2006

- 1/13 Declaration by the Presidency on behalf of the European Union on Lebanon
- 1/26 Presidency statement on behalf of the European Union on PLC elections
- 6/16 Declaration by the European Council on the Middle East Peace Process
- 6/30 Declaration by the Presidency on behalf of the European Union on the Middle East
- 7/3 Declaration by the Presidency on behalf of the European Union on the Middle East
- 12/15 Declaration by the European Council on the Middle East Peace Process

Source: GENERAL SECRETARIAT, 1999; 2000; 2001; 2002; 2003; 2004a; 2005a; 2006a; 2007a; 2008b; www.consilium.europa.eu

4. Demarches to the Parties of the Arab-Israeli Conflict, 1998-2007

<i>Date</i>	<i>Addressee</i>	<i>Topic</i>
7/7/1998	PA	Letter from Council President to Arafat
7/20/1998	Israel	Intifada Compensation Bill
7/23/1998	Israel	Problems faced by Palestinians with dual nationality
2/15/1999	Israel	Settlements in the Occupied Territories
3/4/1999	Syria	The situation in southern Lebanon
3/8/1999	Israel	The military intervention in Lebanon
5/31/1999	Israel	The settlement of Ras el Amud
11/10/1999	Israel	Palestinian terrorism
12/1999	PA	Imprisonment of 20 signatories to the declaration
1/13/2000	Palestinian Territories	Death penalty
5/11/2000	PLO authorities	Free circulation of EU nationals registered in Palestine
7/13/2000	Israel	Law concerning the imprisonment of soldiers not having the status of prisoners of war
7/20/2000	Lebanon	Child abductions
9/12/2000	PA	Death penalty
10/15/2000	Israel	Freedom to move in Palestinian territories
10/29/2000	Israel	Freedom to move in Palestinian territories
10/29/2000	Israel	Humanitarian and economic situation in the Palestinian territories
11/29/2000	Israel	Diplomatic missions in Jerusalem and the Palestinian territories
12/21/2000	Lebanon	Death Penalty
1/14/2001	PA	Executions on 13 January
1/21/2001	Israel	Practice of extrajudicial killings
1/21/2001	Lebanon	Death penalty
2/5/2001	Israel	Obstacles to imports of equipment for assistance projects
2/12/2001	PA	Death sentence issued on 11 February
2/2001	Israel/ Lebanon/ Syria	Ratification of the Comprehensive Test Ban Treaty
3/2001	Israel/ Lebanon/	Ratification of the Comprehensive Test Ban Treaty

	Syria	
3/2001	Israel/ Lebanon/ Syria	Chemical Weapons Convention
4/2001	Israel/ Lebanon/ Syria	Ratification of the Comprehensive Test Ban Treaty
4/2001	Israel/ Lebanon/ Syria	Chemical Weapons Convention
4/2/2001	Lebanon	Ottawa Convention
4/2/2001	Lebanon	Deportation of refugees and asylum seekers
5/2001	Israel/ Lebanon/ Syria	Ratification of the Comprehensive Test Ban Treaty
5/8/2001	Israel	Illegal combatants
6/2001	Israel/ Lebanon/ Syria	Ratification of the Comprehensive Test Ban Treaty
6/13/2001	PA	Death penalty by Palestinian Security Court
6/21/2001	Israel	Humanitarian access to occupied territories
6/21/2001	Israel	Humanitarian access to occupied territories
6/27/2001	Israel	Violation of Lebanese national airspace
6/29/2001	Israel	Humanitarian access to occupied territories
7/2001	Israel/ Lebanon/ Syria	Ratification of the Comprehensive Test Ban Treaty
7/2001	Israel/ Lebanon/ Syria	World Conference against Racism
8/2001	Israel/ Lebanon/ Syria	Ratification of the Comprehensive Test Ban Treaty
8/2001	Israel/ Lebanon/ Syria	World Conference against Racism
8/2/2001	Palestinian Authorities	Military tribunal
8/2/2001	Palestinian Authorities	Military tribunal
8/12/2001	Israel	Closing of the Orient House
8/16/2001	Lebanon	Situation in Lebanon
8/23/2001	Palestinian Authorities	Death Penalty
9/13/2001	Israel	Recent incursions by the IDF; Peres/Arafat meeting; Bir-Zeit University
10/15/2001	Syria	Terrorism
11/12/2001	Israel	Bill denying compensation for the victims of illegal shootings, beatings and property destruction

12/24/2001	Israel	Detention of Professor Sari Nuseibeh
1/11/2002	Israel	Karine-A affair
1/28/2002	Lebanon	Death Penalty
3/18/2002	Israel	Security of representation in Ramallah
4/11/2002	Israel	Protection of European consulates
5/9/2002	Israel	Several demarches about the church of the Nativity
5/28/2002	Israel	Access to Palestinian territories
6/25/2002	Israel	Confidential demarche (for humanitarian reasons)
8/4/2002	Palestine/ Gaza Strip	Two death sentences
8/7/2002	Israel	Access to and free movement in the Occupied Territories
8/20/2002	Israel	House demolition
10/2/2002	Lebanon	Closure of MTV TV-station
11/11/2002	Palestine	Passing of death sentences
11/12/2002	Israel	Settler harassment and violence against Palestinian civilians
12/18/2002	Israel	IDF destruction of Palestinian infrastructure
1/6/2003	Israel	Permission to travel for PLO Central Council
1/12/2003	Israel	Confidential demarche concerning blockage of Palestinian officials
2/19/2003	Israel	Recent IDF activities
4/7/2003	Israel	Construction of the so-called security fence and ongoing IDF incursions
5/22/2003	Israel	New security measures at Erez crossing
5/29/2003	Israel	Shooting incident involving foreign diplomats at a military checkpoint in Northern Gaza
6/30/2003	Israel	New security measures at Erez crossing
8/2003	Israel / Lebanon/ Syria	Entry into force of the Comprehensive Test Ban Treaty
9/2003	Israel/ Lebanon	Promotion of the universalization of the Ottawa convention
10/20/2003	Israel	Security Fence
11/2003	Syria	Human Rights
12/16/2003	Lebanon	Possible suspension of moratorium on executions
12/26/2003	Lebanon	Possible suspension of moratorium on executions

12/2003	Israel / Lebanon/ Syria	Universality of CWC
12/2003	Israel / Lebanon/ Syria	Safety and security of radioactive sources
1/27/2004	Israel	Demolition in Rafah
8/28/2004	Palestine	Local elections
9/6/2004	Israel	New Israeli settlement activity
9/21/2004	Israel	Security situation in the Palestinian territories
9/25/2004	Palestine	Security situation in the occupied territories
12/2/2004	Israel	Comprehensive Nuclear Test-Ban Treaty
1/6/2005	Syria	Death penalty
2/3/2005	Palestine	Death penalty
2/9/2005	Israel	Zbsentee Property Law
3/15/2005	Palestine	Death sentences
3/18/2005	Syria	Death penalty
4/1/2005	Palestine	Human rights
5/23/2005	Lebanon	Ratification of Rome statute
6/1/2005	Syria	Ratification of Rome statute
6/8/2005	Lebanon	CWC
6/2005	Lebanon	ICC and Statue of Rome
7/21/2005	Syria	Human Rights
8/9/2005	Palestine/ Israel	Kidnappings and death penalty in the occupied territories
12/20/2005	Israel	East Jerusalem
12/21/2005	Israel	Overflights of Lebanon
12/30/2005	Israel	EU concerns on East Jerusalem
2/6/2006	PA	Security situation
2/7/2006	Lebanon/ Syria/ PA	Developments in connection with protests against cartoons of the Prophet Mohammad
3/3/2006	Israel	Ratification of outstanding CCWC protocols
3/28/2006	Lebanon	Rome statute
3/30/2006	Lebanon/ Syria	Program of Action on SAWL
4/11/2006	Israel	Program of Action on SAWL
5/22/2006	Israel	Preparation of the 29 th Red Cross and Red Crescent

		Conference
5/24/2006	Israel	Universalization of the BTWC
6/19/2006	Israel	EU guidelines on torture
7/19/2006	Israel	Southern Lebanon
8/24/2006	Israel	The universality and integrity of the ICC statute
9/15/2006	Israel	Reopening of Rafah crossing and other issues
10/6/2006	Palestine	Disbursement of taxes and custom duties
10/6/2006	Israel	Disbursement of taxes and custom duties
10/24/2006	Israel	The entry of EU nationals into the Palestinian territories
25- 31/10/2006	Israel	The entry of EU nationals into the Palestinian territories
1/22/2007	Lebanon	Discriminatory treatment of Romania by Lebanese authorities
4/11/2007	Syria	Torture
4/16/2007	Israel	Settlements and situation in Jerusalem
5/21/2007	Israel	EU action on death penalty

Source: GENERAL SECRETARIAT, 1999; 2000; 2001; 2002; 2003; 2004a; 2005a; 2006a; 2007a; 2008b; www.consilium.europa.eu

Ehrenwörtliche Erklärung

Hiermit erkläre ich, dass mir die geltende Promotionsordnung der Sozial- und Verhaltenswissenschaftlichen Fakultät der Friedrich-Schiller-Universität bekannt ist,

ich die Dissertation selbst angefertigt habe und alle von mir benutzten Hilfsmittel und Quellen in meiner Arbeit angegeben sind,

mich keine weiteren Personen bei der Auswahl und Auswertung des Materials sowie bei der Herstellung des Manuskripts unterstützt haben (entgeltlich oder unentgeltlich),

die Hilfe eines Promotionsberaters nicht in Anspruch genommen wurde und dass Dritte weder unmittelbar noch mittelbar geldwerte Leistungen von mir für Arbeiten erhalten haben, die im Zusammenhang mit dem Inhalt der vorgelegten Dissertation stehen,

dass ich die Dissertation noch nicht als Prüfungsarbeit für eine staatliche oder andere wissenschaftliche Prüfung eingereicht habe und

dass ich die gleiche, eine in wesentlichen Teilen ähnliche oder eine andere Abhandlung nicht bei einer anderen Hochschule als Dissertation eingereicht habe.

Aschaffenburg, den 28. August 2008